

FRONTIER DAYS

JUDGE W. L. KUYKENDALL

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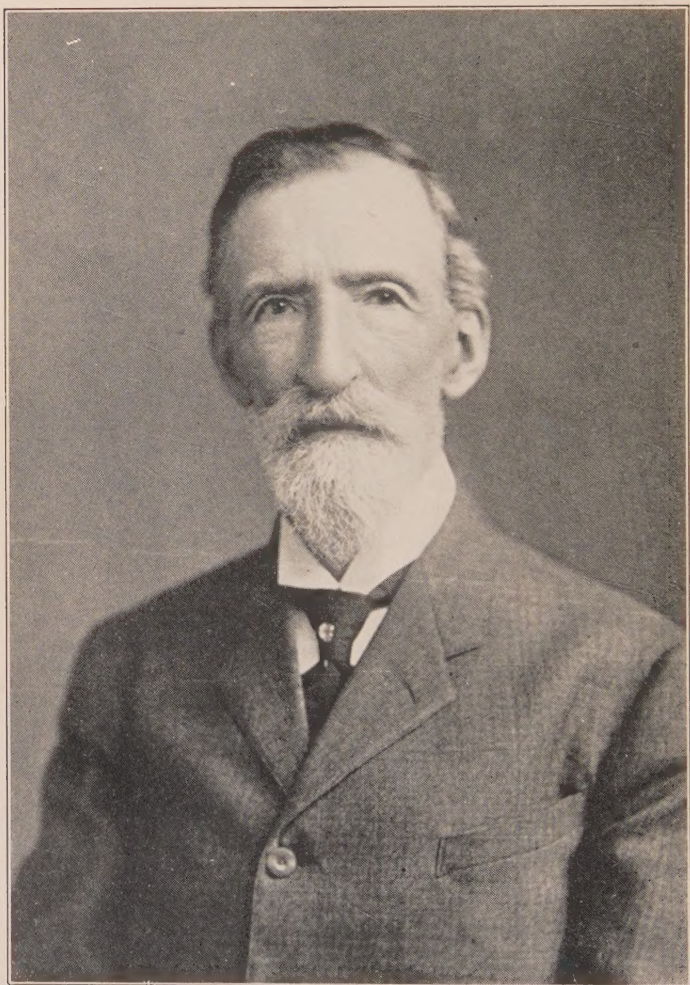
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FRONTIER DAYS

*A True Narrative of Striking
Events on the Western Frontier*

BY
JUDGE W. L. KUYKENDALL

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The State Historical Society
of Colorado

DEDICATORY

TO THE MEMORY OF MY WIFE, who departed this life on the twenty-first day of December, 1898, who for more than forty years traveled along life's pathway by my side, through sunshine and through storm unwaveringly; sharing in all the grief and hardships of life on the Western Border, as a Pioneer Woman in Kansas, Colorado, Dakota and Wyoming—this book is lovingly dedicated.

—WILLIAM L. KUYKENDALL.

FOREWORD

The quaint and unique style characteristic of Judge William Littlebury Kuykendall has been carefully preserved in the editing of this remarkable biography. He was a well educated, widely read, courteous gentleman of the old school and he had a vocabulary which belonged to the strenuous days and environment in which he lived. He died before the publication of his autobiography and therefore never wrote the exposé of the political life to which he refers in this manuscript.

This book makes no pretense of carrying a continuous story, or of writing history in a chronological sequence. It is a group of incidents well told but hung loosely together, the only thing binding them being the sturdy character of the Judge himself.

Incidentally it deals with the dramatic story of the Kansas and Missouri Border trouble, the birth of the Civil War and the early pioneer history of Wyoming and the Dakotas, with marvelous pen sketches of western Indians, empire builders, the vultures of mining camps, and the life of new and raw communities, better than it could ever be told except by one who had lived the life and who could write in the language of those who had lived it.

He has put wonderful "splotches" of local color into the story of his adventures.

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FRONTIER DAYS

CHAPTER I

EARLY RECOLLECTIONS

IN the following pages the reader will find a truthful account of the events occurring in the long and eventful life of the writer, Judge W. L. Kuykendall, a Pioneer of three Territories.

.

I was born in Clay County, Missouri, on the thirteenth day of December, 1835. At that time Clay County was situated on the extreme western border of the State, and, so far as settlement was concerned, practically marked the western border of our entire country. It adjoined the Reservation of the Sac, Fox and Iowa tribes of Indians, whose agency buildings were located twelve miles south of Roubideaux's Trading Post—now the beautiful and prosperous city of Saint Joseph.

During the year 1837 the land included in the Reservation was acquired by the United States Government through a treaty with the Indians. It then became a part of the State of Missouri and was declared open for settlement.

My father, Judge James Kuykendall, moved from Clay County, when I was but four years old, and located in Platte County, opposite and across the river from Fort Leavenworth. In this county he served as one of the early County Judges, the first Judge of Probate, and was the first Sheriff elected.

When this county was first opened for settlement, it was covered with a thick growth of hardwood timber. Truly a country calling for the best of manhood—a country in which man had literally to hew his way to comfort and success.

Roads had to be cut, water-, grist- and sawmills had to be erected, land fenced, timber cleared away so land might be cultivated, school-houses, farm-houses and churches built. But the spirit of independence which filled the hearts of so many hardy, healthy Kentuckians, Virginians and Tennesseans quickly filled up the county with a race which knew not the word “failure.” The soil was the finest in the land, and in less than six years Platte County ranked second to Saint Louis in wealth and population.

The first building erected in the neighborhood into which we had moved, after suitable housing had been provided for the families and stock, was a log school-house. For in those days children were numerous. Means of running short, and not long, on children had not then been discovered.

The first school I attended was in a log cabin having a great, wide fireplace at one end. The furniture consisted of a long rough board table and three benches. These benches were of split logs, hewed and smoothed on the split side, with four pegs driven into the under side for legs. On them we sat, dressed in home-made jeans and tow shirts—with our bare feet swinging clear of the floor as we worked over our problems in the three R’s.

And how we did our very best to get our lessons thoroughly! In those days the switch was a part of the teacher’s paraphernalia and it was used to good advantage. A little “essense of hickory” would work wonders. It is my honest belief that we learned more, in a shorter period of time, in those little rustic school-houses

under what is now termed an erroneous system of teaching than do the children of the present generation.

It was on one of my trips of a mile and a half, through the heavy forest, to school, that I had my first Indian experience. I had often listened to my mother relate the troubles the settlers in Kentucky had with the Indians, until all the Indians were the same to me. As I was walking along, barefooted, making the dust of the road sudge up in little puff clouds between my toes, I happened to glance toward the top of the hill. There came the advance of two or three hundred Indians riding peacefully along. My little heart seemed at first to go up into my throat, but flight was useless and so I screwed my courage up to its highest pitch and marched boldly past them. Many times since that day I have met hostile Indians upon the warpath, but never have I been so badly frightened as upon that occasion.¹

In those early days the children aided the parents in every way possible. It was a matter of necessity. There was but little money in circulation and times were very hard. With all that, happy home scenes are well remembered.

From the time I was six years until I had reached ten, my time was well occupied, in going to school, helping around the farm, and each Saturday fastening a large sack of grain upon the back of a gentle horse and climbing aboard for an eight-mile ride to the water-mill.

Then it was good fun to help mother with the handloom in preparing to weave the cloth and other material for our clothing—or hauling lumber and firewood with

¹ These Indians were doubtless traveling peacefully into the Indian Territory, the area of which in 1854 embraced 68,991 square miles west of Missouri. The Shawnees were the first Indians to journey into the new Indian territory to live on the lands given them by the U. S. government. They were peaceful enough then, as they had no anticipation of the injustice which was later meted out to them.

a yoke of oxen. Once because we ran over and stirred up a nest of yellow jackets, the oxen ran away with me. The yellow jackets made it mighty warm for us in our ludicrous flight. I always believed my brother steered me that way purposely.

Years afterward that scene was vividly recalled when, in forming a line of battle under heavy fire, one company was completely routed for the time being by yellow jackets. This rendered the regiment useless for a few minutes because of the cheering of the "circus performances" by other comrades.

When I was ten years of age my father was elected Sheriff and we moved to the county seat. It was there I first saw a gunsmith making the famous Squirrel rifle—so named because it was used at that time for killing the squirrels which were very destructive to the crops. Nearly every Saturday parties of young men would congregate and soon the crack of their rifles would be heard all over the county. In these shooting matches since squirrels shot through the head would count in the score, heads were always hit. Jim Denver, after whom the City of Denver was named, was one of the most expert shots.

James Whitcomb Riley's "The Ole Swimmin' Hole" could not compare with our Millpond, with its fine sandy bottom—and the sawlog rafts along its banks which were just the thing for our spring boards after we learned to swim.

There was much grief among us boys in the earlier stages of our attempts to master the water. The fear of our drowning so worked upon our mothers as to impel them to use the rod generously and lavishly, and to adopt plans for catching us "red-handed." For instance, my mother—and no boy ever had a better one—hit upon the plan of sewing up the collars and wristbands of our shirts instead of using buttons. We pro-

cured the same kind of thread and after a swim sewed up each other's shirts, dried our hair, and appeared at home looking as innocent as lambs and passing inspection without question. But when mother accidentally heard we could swim the Missouri River, the embargo was removed and the buttons were restored. Whilst I have never been much of a believer in deception, I have always felt that we were justified in practicing it in that case.

One of the features of our school life was the Friday afternoon exercises. We always looked forward to this with much acclaim for it meant a cessation from hard study, an opportunity to forget the birch and an early dismissal for the day. These exercises would usually close with two of the larger pupils making choice alternately of the others until all were chosen. Then would come the spelling-match, the teacher pronouncing the words from Webster's old spelling book.

I was generally among the last, and often the last left standing. One occasion, when I was but a little tyke, all had gone down but a beautiful girl of fifteen years, whom I dearly loved, and myself. After rattling ahead for some time, amid subdued excitement, she missed a word. She looked at me appealingly. The teacher knew I could spell it. Duty, pity and my boyish love with an innate chivalrous feeling for the sex struggled for mastery. Duty triumphed. I spelled the word. She cried and I followed suit. That was my first heart-breaking experience.

In the country, I had, though small for my age, been rated well up in running, jumping and wrestling. But I had never seen men or boys fight. I was not in the county seat long before I was initiated in how it was done.

One Christmas vacation, being with a party of boys, I laid my knife down for a moment. Some one pocketed

it. A much heavier boy than I was pointed out as the one having it. I accused him, he denied it, and I jumped on him and threw him but could not hold him. As ill-luck would have it I rolled into a little washout just fitting my body. Then he sailed in to give me a good thrashing. Although underneath, and helpless as far as turning him was concerned, I managed to keep him from hurting me very much until a young man came along and pulled him off with a jerk, saying he should be ashamed of himself to jump on such a little boy. The joke was, I did the jumping and when thus released was on my feet in an instant and made a spring for my adversary. But the young man caught me and held us both. He made the other boy go home and then released me.

I afterwards found that a young fellow, nearly grown, had taken the knife, and that was my first lesson in the methods of deceit, for the one who had pointed out the boy with whom I fought was the culprit.

Among the first notable events of my boyhood recollections was the congregating of a large party of men, women and children of our county together with other Missourians for a great overland journey to the Oregon country. Some of these were restless spirits who had failed to secure a tract of land or did not feel like clearing off the heavy timber for a farm. As Congress had passed an act assuring a liberal gift of land in the Oregon Territory for every new settler, these people loaded their worldly goods into wagons and started on the long journey across the Great American Desert and the Rocky Mountains, thus marking out the Oregon Trail up the Platte, North Platte and Sweetwater Rivers.

This trail had been plainly marked by other Missourians hastening to Oregon to get good homes in 1844 and 1845, and by the first party of Mormons in 1848

and 1850 and during the following years by the wonderful migration of gold seekers to California.

Many of those who left our county for the long journey to Oregon, and whose wagons broke down the sage brush in making that trail, are well remembered, particularly one man named Dougherty who carried with him the first charter for a Masonic Lodge ever taken across the Plains. That lodge still exists in Portland.

The descendants of many of those Missourians are located in the valley of the Willamette and are enjoying the fine homes provided them by their forefathers—homes won through hardship, toil and danger, by men who accomplished one of the greatest feats of pioneering in the history of our country.

While they were not the first white people to cross the Plains, it was their wagons that first passed over the dim trails of the trappers who had penetrated the Mountain wilderness.

When we consider that they went with all kinds of domestic animals, and household utensils sufficient to commence life in a new settlement in a wilderness two thousand miles from American civilization, that the country into which they were going was at that time but little known, that it was through a trackless desert beset by Indians and many other dangers all the way, that they had to open up farms and wait for crops to grow, that they had to erect houses and mills and make other necessary improvements, far from the base of supplies—then we must realize and admit the achievement to be truly wonderful.

It is true that they had the promise of the Government that at the end of their journey, they, and each member of their respective families, could enter upon and acquire title to a large body of land as a free gift. The promise was fulfilled—and was a just compensation

for the bravery displayed by this hardy clan of pioneers, for the dangers and privations, for the many weary miles of slow-going travel. But it was not the promise alone that buoyed them up and held them fast to their course and their resolve. It was the spirit of indomitable will and the independent homing instinct which possessed them.

When the promise which was made to these people by the Government—and splendidly kept—is contrasted with the present attempted conservation of public lands suitable for agriculture, by which settlers are to be handicapped through rules, the latter becomes odious. Such reservations are certainly not in keeping with the reward clearly due every settler on the public domain—the reward which is his due for the hardships and privations he and his family have to undergo in the attempt to make two blades of grass grow where one existed before.

When in Portland, Oregon, a few years ago I visited the collection of relics in the old City Hall. There were ancient wooden churns, tin lanterns, spinning wheels, flax-hackles, antiquated firearms and many things which reminded me of the pioneer days of my boyhood in what was then the western border of our country. These old relics had formed a part of the equipment of those who established the Oregon Trail.

The Custodian said I was one in a thousand who was able to point out and name the flax-hackle, and was therefore entitled to be enrolled as an honorary member of the Pioneer Association. This fact alone shows the wonderful change from the primitive manner of living in the West fifty or sixty years ago and now.

Prior to the location of the Oregon Trail, which I have just described, and between 1820 and 1830, if not earlier, the Chouteau, St. Vrain, the Bents and Sublettes, of St. Louis, Missouri, and others occupied the mountain

streams from Canada to Mexico by locating trappers everywhere.

The love of adventure and the call of the wild caused Kit Carson and Jim Bridger, both Missourians, Jim Beckwith, Jim Baker and many others of lesser note, to locate in and along the Rocky Mountains, thereby becoming familiar with the whole country now comprised in the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Utah and other extreme Western States. This especially fitted them in after years to be guides for emigrant and military expeditions. Carson and Bridger were specially famous for such work. Most of the old roads on the Plains and through the mountains were marked by one or the other of those two great men, and it was the Missourians' wagons that made such marking definite.

Many of those who now travel in luxurious Pullman cars to Oregon and California over the Union Pacific and the Oregon Short Line do not know, or even think, that they are traveling near the Oregon and California trails all the way, through a country made historic by the dangers, privations and hardships encountered by those brave pioneers. It was certainly these early emigrants who paved the way for others to follow—who laid permanently the foundation for our mountain commonwealth—who fell victims to the scalping knives of the Indians that contested the effort, for many years, to settle and reclaim the country from its wild state.

After the establishment of the settlements in Oregon, the United States Government proceeded to establish connecting links between that Territory and the Missouri River. This it did by having a battalion of volunteer Missourians erect Forts Kearney and Hall on the Oregon Trail, and to secure from Laramie and Bridger the fortified trading posts bearing their names, which

were located at about equal distances between the other two thus forming a chain of military forts between Leavenworth and the settlements in Oregon.

There is good reason to believe that this was mainly accomplished through the efforts of Tom Benton, Missouri's great senator. It was his son-in-law, Fremont, who, with an exploring expedition following the trail of the Sublettes and other trappers, demonstrated the feasibility of, not only a wagon-road, but a railroad as well across the supposed desert to the Pacific Ocean. In the early forties Benton, with prophetic eye advocated the exploration and settlement of the far West and was opposed by Webster and other public men, who ridiculed the idea that anything existed or ever would exist west of the Missouri River justifying any attempt at occupancy by white people.

It is said that Fremont, in his report to the War Department, mentioned the presence of a honey-bee on top of Fremont's Peak—now in Fremont County, Wyoming—when they ascended it. As it is not probable that one isolated bee came hundreds of miles to grace that occasion, it is believed that the Presidential Bee then and there entered his bonnet, and that the real insect was a case of imagination.¹

¹ Strange to relate, the story of the "lonely bee" is substantiated by historians who can be relied upon. It is related that swarms of bees were found in Wyoming at a time and in places where it seemed impossible for them to live.

CHAPTER II

EARLY PERSONAL RECOLLECTIONS OF PROMINENT MISSOURI- ANS WHO SETTLED IN OREGON AND CALIFORNIA. OLD MOUNTAINEERS

DURING the year 1843 a number of men from the western border of Missouri, afflicted with asthma and tuberculosis, accompanied the Sublettes to the Rocky Mountains. Many of them were wonderfully helped by the pure light air of the mountains—some were entirely cured—but some had suffered the ravages of disease too long and never returned to tell wonderful tales of the great country across the Plains.

There was one young lawyer who came back and had many stories to relate. One was of an encounter with a grizzly bear which he claimed to have met on a trail. He was unarmed, but fortunately he remembered having heard that a steady gaze in the eyes would cause wild animals to run away. He tried it successfully on the bear, and thus escaped.

About every third year a wiry little mountaineer would return to spend the winter and would stop for several days in our town. His name is now forgotten but the memory of his tales is not. His face was badly disfigured. This was caused by a fight with a bear afterward found dead a few feet from the plucky little fighter, who lay there unconscious for hours and afterward hovered between life and death for many days.

During one of his stops the town jokers, who had become tired of the oft repeated, miraculous stories of the lawyer, steered him up against the little fellow. The

little mountaineer listened for some time to the lawyer's recitations of wonderful deeds and then remarked that he, too, had met with a number of thrilling experiences, the most remarkable one being a time when he was lost on the plains. After wandering about until both he and his horse had become exhausted and famished for water, he was several times deceived by mirage forests. Finally, in the distance he saw a forest which was not a mirage to which he wound his way. But upon reaching it he discovered it to be petrified, with petrified birds sitting on the limbs of the petrified trees, singing petrified songs.

Without a word our lawyer friend got up and walked out. That was the last we ever heard of his mountain stories. They, too, had become petrified.

Among the more prominent men, who emigrated from our sections of the country to Oregon in 1842 or 1843, were two who reached high up on the ladder of fame. Not satisfied with the country in the north they went to California, then a Mexican State, where they secured grants of land.

One of them, Peter S. Burnett, who had been a resident of our country, and Circuit Attorney of our Judicial Circuit, was the first civil Governor of California after it became United States territory. He followed General Riley, the Military Governor of that country after the Mexican War.

The other was Sutter, who went from the hamlet of what is now Kansas City. He acquired fame through the discovery of placer gold while excavating a ditch for his mill in California. This was the cause of the wonderful stampede of men to that country in 1849-1850 and the following years, thereby changing it in reality from a Mexican to an American country.

The far-reaching effect of Sutter's discovery can be readily seen when it is remembered that the influx of

white men into California was immediately followed by the establishment of the Pony-express, the Overland Stage Line and finally by the construction of the Union Pacific Railroad, a combination of fast succeeding events which rapidly changed the face of nature, of political activities and of religious, social, financial, business and educational conditions from the Missouri River to the Pacific Ocean.

Some of the men who were in the van in all this rapid change became men of national reputation—others died at the hands of the Indians—numbers died with their boots on—others weakened owing to the strenuous life and returned to more peaceful conditions in States east of the Missouri River—while others of the real great empire builders, although often hampered by the Government, especially in Wyoming, went quietly about the business of settling the country.

These men and their descendants have a right to be proud of their achievements. The people who have been the beneficiaries of their labors, sacrifices, dangers, hardships and privations should not forget to honor them for the great work they have accomplished. It is said, however, that republics are ungrateful, and experience teaches that many people are forgetful.

Among the many young men who went from our town in the first rush to the gold fields of California was a young lawyer, the editor of our town newspaper, namely, James W. Denver, generally known as "Jim" Denver. Denver had enlisted and commanded a company of infantry from our county in the Mexican War, going with General Scott from Vera Cruz to the City of Mexico, then being attached to General Riley's Brigade and participating in all the battles of that campaign.

On his trip to the gold fields of California, whenever opportunity afforded, he would send back letters to friends in our town, describing items of interest along

the route. Descriptions of Court House and Chimney Rocks near the present Wyoming and Nebraska line, Independence Rock, Forts Laramie and Bridger, and Salt Lake were among them. In describing the latter, he truthfully stated the water was so salty that a person could not sink in it.

When his old friends read that, many of them shook their heads and all agreed that some of his other stories appeared fishy but the last one was too salty for belief. One of them, who seemed to be more seriously effected than the rest, said, "What could have happened to Jim Denver in so short a time? When he left here his word was good and now he has turned out to be a famous liar—for who would believe that story? It is too bad that Jim's reputation for truth and veracity is forever ruined."

Upon the arrival of Denver in California, Governor Burnett made him a Commissioner and he was sent with a wagon loaded with provisions to relieve a stranded train of emigrants on the Humboldt desert. They had lost their stock and were nearly starved. Denver reached them in the nick of time, and helped them into California. At that time political feeling between Whigs and Democrats often reached the fighting and boiling points. Upon his return from the relief expedition he was attacked in the Whig paper by one of its editors or writers. He made a reply in the same spirit, the result being that he was challenged to fight a duel. This he honorably tried to avoid but could not. Then he chose the dead center Squirrel rifle for weapons—distance, sixty paces.

Denver was a large, fine looking, young fellow, while his opponent was a small peppery man overburdened with fighting sand. It is related that as soon as all the parties were on the ground, Denver tried to settle the matter. His efforts were unavailing. At the command "fire" Denver fired into the air. His opponent missed

him and demanded another shot. Denver, seeing that the other man would continue to demand another shot until he had scored a hit, said he would not throw another bullet away. The other man was killed on the second shot, Denver remaining untouched.

Later, Denver was elected to Congress from California. Next, he was appointed Governor of Kansas during the latter days of its Territorial existence. At this time Kansas extended to the summit of the Rocky Mountains, and all of what is now Colorado east of the summit was known as Arapahoe County, with Kansas designated as "unorganized."

Therefore when the original townsite of the present city of Denver was being staked the question of a name was canvassed. The suggestion was made to name it "Denver," in honor of the Governor of Kansas, and it was so ordered. When the war between the States broke out, Denver was made a Brigadier General, but, as I now recall, he was stationed in the North and never went to the front. As a man of national reputation, Jim Denver is an example of what a combination of circumstances will often do in turning the tide of a man's affairs and changing his life's work. In his case, the fact of his having been defeated for Judge of Probate in our county by my father, on the eve of the discovery of gold in California, was the real cause of his being among the first to depart for that new Eldorado, never to renew his citizenship anywhere in Missouri.

F. X. Aubrey was another Missourian who became famous. His first fame was based upon a remarkable horse-back ride made between Santa Fe, New Mexico, and Independence, Missouri—a distance of eight hundred miles—in five days and thirteen hours. For speed and endurance this feat has probably never been equaled in this or any other country. Later one of the finest steamboats on the Missouri River was named in his honor.

Aubrey was killed in Santa Fe by Captain Weightman, who commanded the Battery under Doniphan at the Battle of Sacramento in the Mexican War. Weightman was killed in the Battle of Wilson's Creek during the Civil War while acting as Chief of Artillery under General Price.

Among the many stories in which Jim Bridger was a character, there are two or three worth relating herein.

During one of his early trips to his home near Independence, Missouri, he gave the editor of the paper at that place a description of the country now comprised in the Yellowstone National Park. He described in detail Yellowstone Lake, the geysers, Obsidian Hill and all the other marvels of that wonderland. The editor wrote it up, intending to publish it, but happened to read it to several of his old farmer friends. They ridiculed the idea, asserting that he was an easy victim of Jim's imagination, that the whole story was simply one of his big lies and that the editor would be the laughing stock of the country round if he published it. He listened to their advice and thus lost one of the biggest "scoops" falling to the lot of a newspaper man.

When the Surveyor General of Montana and his party visited the Park in 1877 and published the seemingly miraculous account of the geysers, the Independence editor pulled the old Bridger story of thirty-five or forty years priority from a pigeon-hole and found it was nearly a duplicate of the published account. Thus, after many years, was Jim's veracity as a story teller vindicated.

Obsidian Hill was, no doubt, the foundation of Bridger's glass mountain story. In this one he claimed that on one of his trips he camped in a section he had never seen before. The next morning, being out of meat for breakfast, he approached within easy range of a band of antelope and shot at a fine buck. He was very much surprised when they kept right on feeding. So care-

fully loading his gun, he fired again, with the same result. Then he walked towards them—and ran right up against a glass mountain, so pure and clear that he could see the antelope feeding on the other side. Upon investigation he found it was three miles through that glassy crystal mountain.

On another occasion nearly all his comrades complained that the cooking and other camp utensils were becoming leaky. Bridger said he knew where there were great chunks of copper in a creek which would be the very thing for mending everything, and that he would bring some in. He brought them in, but for some reason the mending was put off and finally the chunks were thrown out behind the stage station. Some time afterwards they were discovered by a passenger on the coach who declared them to be gold nuggets! Such a yarn is on a par with the California story of the man who found a nugget so large that he could not lift it out of the hole and carry it away. He was loath to leave it for fear others would find it before his return, so he just sat down on it and starved to death.

Such stories account for stampedes to reported new diggings which often had as much foundation in fact as Jim's chunks of copper and the California nugget. Their widespread publicity kept the gold excitement of those days at fever heat, and the ever alluring hope of quick riches uppermost in the minds of the pioneer gold hunters and others. For the fever was contagious and spread like wild-fire.

About the last of Bridger's attempted road making for civilian and not for military expeditions was in 1863 or 1864, when he and Bozeman competed for new trails from Fort Laramie into Montana. The latter, with a large number of people and many wagons made the trail north to Powder River, thence along the east base of the Big Horn Mountains to and up the Yellowstone River

and on to the town of Bozeman, which placed them in touch with the scattered settlements and mines of the rest of Montana.

On this trail were afterward located Forts Reno, Phil Kearney and C. F. Smith. On account of the Sioux and Cheyenne Indians, whose hearts and medicine were both bad at that time and for many years after, that route was impracticable, or nearly so, for emigrants. It was virtually abandoned until after the Indian difficulties were settled by placing Sitting Bull and all the Indians with him on a reservation.

Bridger, with his large party of emigrants, left the Oregon Trail near where Casper is located, moved through the Big Horn Mountains northeast of the present town of Shoshone and a few miles east of the Hot Springs where Thermopolis now is, crossing the Big Horn River not far from the present town of Basin. He passed through the center of the Big Horn Basin and not far from the present site of Cody, finally winding up in the town of Bozeman, very soon after the man for whom it was named had reached it with his party.

Whilst his trail was much the safest, and probably somewhat shorter, it never was used to any extent. The removal of the Overland Stage line from the Oregon Trail to the road up the South Platte to Denver and thence west over a new route, marked out by Bridger years before, had turned the tide of emigration to the west and the northwest, because of the additional factors of safety. So, Bridger's and Bozeman's attempt to divert the travel away from the route through Denver was a failure.

CHAPTER III

MISSOURIANS IN THE MEXICAN WAR AND INCIDENTS OF 1846

WHEN the call for volunteers for the Mexican War of 1846, reached Missouri a regiment of cavalry was quickly raised and mustered in at Fort Leavenworth. A brilliant Clay County lawyer, A. W. Doniphan, was named as its Colonel. The mustering in of the second Cavalry regiment with Sterling Price as Colonel immediately followed, together with a battalion of cavalry consisting of four companies under Major Willock.

Our county furnished one of the four companies, consisting of one hundred and ten men, under Captain Jesse Morin. Of this company there were twenty-eight who fell in action and never returned to us. In those days it was a common expression that "a Missourian would walk two miles for a horse to ride a mile." In many cases this was undoubtedly true and in some measure accounts for the speedy mustering in of the Cavalry mentioned. Companies of Artillery and Infantry were rapidly mustered in, soon filling Missouri's quota of troops for the war.

It is doubtful if any soldiers of like number ever accomplished as much in the way of marching and fighting as Doniphan's Regiment. It marched eight hundred miles, across the then so-called Great American Desert, and captured Santa Fe; thereby placing New Mexico under the United States flag, where it has ever since remained.

Upon arrival of Price's regiment, Colonel Doniphan

was ordered to move his troops south along the Rio Grande and form a junction with General Wool in Chihuahua. The plan was to capture and hold the estates of Chihuahua and Sonora—both of which have again come prominently into the limelight during the recent revolutionary fighting in Mexico. Before reaching El Paso the regiment was attacked by a large force of Mexican Lancers, who were quickly whipped, in what was afterward named the Battle of Brazito.

At El Paso a priest tried to dissuade the Colonel from crossing the river, truthfully representing that twenty miles north of Chihuahua breastworks had been constructed across the only road. This breastwork was defended, he said, by twenty-five hundred Mexican soldiers and twenty pieces of artillery. The warning of the priest was of no avail, for the gallant Colonel with six hundred men crossed the river and resumed the march toward Chihuahua.

Arriving at a point outside of the range of the Mexican artillery, the baggage and merchant train of Sam Owens, of Independence, Missouri, an old Santa Fe and Chihuahua trader, were parked. Captain Weightman with his battery of six-pounders was ordered to take a position. This he did, on the run and in a cloud of dust, until he was within three hundred yards of the enemy. With "grape and canister," in a very few minutes he created a panic which turned into a rout. Then that "Rough, Ready and Ragged Regiment" charged and captured the works, the artillery and several hundred Mexicans. This was known as the Battle of Sacramento. One "twelve-pounder" captured there was one of the guns in Bledsoe's Confederate Battery during the Civil War. The Mexican loss in killed and wounded in that battle was heavy. The regiment lost but few men. Owens, although not a soldier, led the charge, because he was better mounted. He was of the first to be killed.

Chihuahua was captured and held without opposition for some time until thirty picked men scouted through the heart of Old Mexico to General Taylor at Buena Vista. Upon the return of the scouting expedition the regiment marched to that famous battle ground, thence to the Gulf of Mexico and back home again.

To get some idea of this achievement—an idea that will serve to show its immensity—the reader should trace the route of the regiment from Fort Leavenworth back to its starting point. This is but a condensed account—with many details not enumerated—gathered from several members of the regiment after their return. Colonel John T. Hughes, Regimental Adjutant, has also contributed to the historical records of the event.

One of the survivors, in describing the battery going into action, said it looked to him as though guns and all were going over the works before commencing business. No doubt this impression and the apparently headlong flight of the battery toward the enemies' works had much to do with the creation of the panic among the Mexicans.

Another survivor told the tale of his being one of the first to get into a church in Chihuahua, in which were a number of small, pure gold images and two large ones. He and a comrade seized the larger one but it fell to the floor, and before they could escape with it the Provost Guard captured them. In the meantime, the others had escaped with the tall image. In telling this story, he always closed with the words, "It is bad policy to be a human hog," which is very true and often exemplified.

While this regiment was making history for our country, Price was busy with Indian Marauders and unruly Mexicans in New Mexico. These marauding bands finally started an insurrection by assassinating Governor Bent—of the fur trading Bent family of St. Louis, Missouri—as well as other Americans; and also by a general

uprising and concentration of a large armed force between Santa Fe and Taos. This concentration Price quickly attacked and routed at Canyada. They were finally driven into Taos, where they made use of the adobe convent or church and other adobe buildings, from which they kept up an incessant fire through small port holes. Finally Price placed a squirrel-hunter opposite each hole, with instructions that he was to fire a bullet into that hole every time it was darkened by a human shadow.

Finally the artillery made a sufficient breach and the charge was hastened through a bullet striking the Colonel in the foot as he rode to and fro directing affairs. The convent was taken and the survivors surrendered. After the surrender, three or four dead Mexicans were found lying opposite each port hole, all shot through the head.

It became evident after the surrender that many of the prisoners had knowledge of the identity of the ring-leaders and instigators of the insurrection and of the turbulent lawlessness which had over-run that portion of the country. A general court-martial was convened, which, after full investigation, found twenty-eight Mexicans and Indians guilty and they hung on a long pole. Thereafter peace and quiet was the rule.

This account, shorn of many details, was obtained first hand from a relative who was Sergeant Major of Willock's Battalion. Many of the survivors, of this battalion, and of the regiment, became famous soldiers during the Civil War—nearly all of them serving in the Confederate Army.

It was my most earnest desire to go with the battalion of Colonel Denver as a drummer boy. This my father vetoed on the ground that he was raising a company and I could go with him. However, this company never materialized, for when the number was completed

and ready for mustering in, orders came not to accept any more volunteers from Missouri, as the State had furnished more than its quota of troops. Thus, for the time being, my ambition to become a soldier was suppressed.

The close proximity of Fort Leavenworth was of financial benefit to the farmers and traders of our County at all times, most especially during that war. Ben Holladay, of our County, reaped a harvest by furnishing the Government with cattle, horses and mules. These contracts laid the foundation for his ownership and operation of the famous Overland Stage line from Atchison, Kansas, to San Francisco, California, during the 60's—a more particular account of which will appear under another heading.

Nearly all of the Missouri Volunteers marched through our town to be mustered in, and most of them came through there when they returned. They furnished us boys in the town many details, which were not forgotten in after years when we became soldiers in the Civil War. We were captivated with the new dark blue and in some cases gray uniforms they wore, nearly all of which were hurriedly made by the hands of the mothers, wives, sisters and sweethearts of men so proudly wearing them.

I have heard it claimed by members of the Doniphan Regiment that they all furnished their own horses, uniforms and most of their own camp equipment, for which the Government never allowed them anything, nor reimbursed them for transportation from Vera Cruz to their homes. Such the reward of patriotism seldom—if ever—equaled! I believe that the same claims may be applied to the Price Regiment and the Willock Battalion, who generally furnished in like manner their own horses, uniforms and camp equipage, and only in recent years have the survivors drawn a pension.

One of our farmers was a successful horse trader. A

regular Army Officer, who remained during the Mexican War at the Fort, fancied one of his horses and offered a big price for him and a mate of the same size, color and gait. Our trader had such a horse at home, except he had white hind feet, which he dyed black—being the color to match. The officer paid him a fancy price therefor and he was not long in getting across the river and home; but it was a year before he dared to visit the Fort, as the dye came off the first time the horse was taken to the river to water.

The same farmer was an enthusiastic Whig, and with others of the faithful of our county, chartered a steamboat to take them to a great Whig convention in Jefferson City, the Capitol of the State. In those days oratory and whiskey flowed in about equal measure at such political gatherings. Our friend, having a strong inclination in both directions, was soon tuned up to the proper gait to loosen his tongue and was—through the aid of a few jokers—placed on the head of a whiskey barrel where he made one of the most notable speeches ever heard at a political meeting. It was a little bit of everything under the sun, outside of any direct political point. Cheers were nearly incessant, which urged him to greater efforts and being in the open air, his voice finally fell to a whisper. He was lifted to the shoulders of a burly negro and in that position was carried around through the great gathering of excited and enthusiastic men and women. His voice failed entirely, but he had thus created more excitement than all the real spell-binders who had congregated on that occasion.

Very soon after this instance, he became a Whig candidate for the Legislature in our County. In one of his oratorical efforts, held in the southern part of the County, he declared himself to be in favor of a law creating common schools. A man in the audience asked him to define what kind of a common school he favored.

For a wonder and as quick as though he had it all planned beforehand, he replied by saying, "My friend, I am in favor of just such common schools as your father and mine failed to send us to." He never had a chance to show what he could do in the Legislature for he was badly defeated.

CHAPTER IV

A FEW PRACTICAL JOKERS OF MY BOYHOOD

DURING my boyhood one of the best men and citizens whom I ever knew kept a hotel in our town. He was known far and wide as General Dicky Gaines. He was kind and often too good hearted. There was also another citizen, an impecunious lawyer, known as the Colonel, in some respects a brilliant man, who enjoyed a joke on himself as well as those he perpetrated on others. He was a guest at the hotel until his bill became quite large. After frequent reminders and finally threats to shut him out, he managed to square the account; and while our old friend, Gaines, was feeling good over getting the money, the lawyer proposed that for all meals he ate he was to be charged a certain amount, but when absent from any meal he should be credited at the same rate. An agreement was accordingly drawn and signed. In due course of time one bill after another was presented to the Colonel, until he knew the limit was about reached. He then sprung a set-off under the agreement, and as he had been absent at Court and elsewhere more than half the time, the General appeared to be in his debt. On that basis they settled, the General paying the balance, but the Colonel ceased to dine at that hotel. A year or two afterwards, the Colonel eloped with and married an heiress, then squared himself with the General by paying what he honestly owed and with a few congenial friends they celebrated the joke.

There was another old joker in our town. He kept

the other hotel, but made his home on a farm near "the narrows," between our Platte and the Missouri River. His nearest neighbor was an Irishman, who also dearly loved to joke. They were great friends but were victims of many jokes, perpetrated by each other.

The old farmer, in tramping around through the timber, saw the Irishman's big black dog crawl into a hollow log. After the dog disappeared within, he stopped up both ends. Some time previously, this dog had chewed one of his legs, but the Irishman at that time refused to kill the beast. He went to his Hibernian friend and told him he had trapped a big black wolf in the log and induced him to bring his axe, so they could get him. The joker then secured a long pole, which he pushed into the log, telling the Irishman—who stood at the other end, with axe upraised—to make sure work of it. This he did as soon as the dog's head emerged from the hole. Then, seeing what he had done, he fiercely turned upon the man who had induced him to kill his favorite dog, but by that time the joking partner was running at top speed through the woods for home—which he reached safely. This caused a break in their friendship for a while, but the old relations were soon renewed.

In the course of time, the old joker discovered a cotton-wood tree, that had been cut down years before and had fallen out over the river, which at that point was very deep and had a perpendicular bank about twenty feet high. The tree, or log, was nearly equally balanced over the edge of the bank and he conceived the idea of steering his Irish friend around to look at it. In this he succeeded.

Knowing him to be a good swimmer, he wagered him five dollars that he could not walk out to the end of the log over the water and return without its tipping up. The Irishman, having determined that much of the

greater part of the log was on the bank, walked boldly out and when he was near the end of the log, the joker grasped the butt and by a powerful effort lifted it sufficiently to cause it to fall into the river, carrying the Irishman with it. He waited long enough to see his friend come up and strike for the shore, then he made a bee line for home on the run.

This old joker was always on the lookout for easy marks and as his new hotel in the city had just been completed, the visitors offered him a generous supply. One morning, during a very cold and snowy winter, there came into the barroom a man whose jowl was big with toothache. This man was obsessed with the idea that it was necessary for him to have an eye-opener every morning, but on this particular morning he was so racked with the pain of the toothache that he was looking instead for an efficacious remedy. The hotel proprietor informed him that he had a fine remedy for toothache and if he would come around on horseback after breakfast and go with him to the country, he would see that he was thoroughly cured.

Upon their arrival in the woods, where the old joker had been hauling wood, they dismounted. Procuring an auger, and also making a peg, he made his victim—who had very long hair—stand up against the tree. Boring a hole in the tree, about five feet from the ground, he gathered up a lock of the hair of his friend and shoved it into the hole, then drove the peg in hard and fast—mounted his horse and galloped away for town.

The victim raged and swore at such a rate that he forgot all about the toothache and finally whipping out his knife, cut himself loose (thereby greatly damaging the appearance of his flowing locks) mounted his horse, with dire threats of vengeance, and went in pursuit of the old joker, but without success.

After having nursed his wrath for several days, mu-

tual friends interceded, convinced him that the hair would grow again, that the remedy had cured him, and that it was all a joke anyhow. This intercession, coupled with hankering after those fine morning eye-openers which his friend knew so well how to concoct, inspired within him the spirit of forgiveness and soon the old friendly relations were resumed.

In the early days of the settlement of this country it sometimes happened that two men had filed claims on the same one hundred and sixty acres, in which event the man who settled down first would get the claim, the other generally moving away to an adjoining county, where he could select another place. But there were two men so situated, who would not agree to this customary arrangement. They were named Ben Bowlin and William Bayne, and were both giants in strength and stature. When it was discovered that they had settled upon the same quarter section, they agreed to a rough and tumble fight to decide which should have the land.

Quite a crowd of brawny relatives and friends of both parties gathered to see that fair play was maintained. Among the great fistic battles in the early days of the County, there probably was never such a fight as that turned out to be. Finally Bayne was victor, and Bowlin moved to an adjoining county and secured a fine farm.

This memory of Bayne recalls to mind an incident whereby he worked for the moral regeneration of one of the best farmers of the community.

Bayne became a saloonkeeper and a professional gambler in our town. In the room back of his saloon four rich old farmers of the neighborhood gathered at least once a week and played poker all night. They could not resist the lure of the game and always it was daylight before they could be seen riding back to their respective homes. One of these men was a farmer whom

Bayne generally respected and liked as a friend, but who was nearly always the loser in one of these all-night sessions. Bayne realized that his friend could not continue to stand these losses, without incurring bankruptcy and tried very hard to persuade him to give up the play.

After trying persuasion without effect he conceived and executed a plan to break him of the habit. He sent to the next county for Pompey Smash and three other professionals with whom he made an arrangement to fleece his friend. He was to sit by the latter and give his hand away during the game, with the understanding that all of the money won was to be turned over to Bayne after the session. They fleeced the farmer out of eight hundred dollars, which Bayne took possession of after his friend's departure. He then quietly informed a man, whom he knew would lose no time in telling the farmer how the job had been framed, but made no mention of the money held in reserve. This information had the expected effect, for the farmer suddenly appeared at the saloon with blood in his eyes and heaped all kinds of abuse on Bayne.

Bayne calmly listened to the tirade for some time and then quietly asked if it were not possible that there might be another side to the story, saying, "Friend of mine, although you are an easy mark, and the greatest fool about poker I have ever known, come with me into the back room and I will convince you that swift decisions should not always be made on hearing but one side of the story."

In the privacy of the back room, he called his farmer friend's attention to the fact that he had one of the nicest families in the county, with one or two daughters verging on womanhood; drew a picture of his handicapping them through his drinking, gambling and wasting his sustenance, winding up his lecture with an appeal for a promise or pledge to quit it all and turn over

a new leaf. Finally the pledge was given by the farmer and because Bayne knew that his pledge would be respected, he opened his safe and handed him back his eight hundred dollars, saying that it was part of the other side of the question.

The reformation was complete and the pledge strictly adhered to by the man who had been saved financially, morally and socially. Bayne's two boys and I were school-mates and when he would go away on his gambling trips, he would ask me to stay with them at night. When he started to California—among the first—in 1849, he advised me never to play cards for money or anything else and I never have.

He was only absent a few months—came home a great winner, prepared a fine outfit of two or three wagons and, with his family returned to California in 1850. There he quit gambling entirely, became a farmer and church member and it was said that he ultimately became a preacher.

One of the early residents—who was said to be the homeliest man in the county—was known as "Ugly Bill Lewis," so named to distinguish him from a rather handsome man of the same name, known as Billy Lewis. "Ugly Bill" conceiving the idea that he wanted to see some of the outside world, procured passage on a steamboat to St. Louis. On the boat he noticed a very large bell, which was rung for some time when the boat approached a town where a stop was to be made.

As he had never had an opportunity of ringing such a bell, he begged the captain to allow him to do so, offering to pay five dollars for the pleasure and privilege. This, the captain as a joke accepted. Bill shed his coat and kept the bell in such motion that it attracted the people on both sides of the river as the boat proceeded on its way. It was related that many along the river, especially the negroes, fled to the brush and timber, be-

lieving that the continued tolling of the bell was a warning that cholera had broken out on board and would overtake them if they did not hide. What had seemed to be a joke to the captain and the passengers soon became a great nuisance and the captain protested with "Ugly Bill," but he protested in vain; he tried soft talk and coaxing, without effect. Bill informed him that he was simply ringing the bell in accordance with their agreement and insisted that the agreement be maintained.

Louder and louder grew the protests from the passengers until the captain agreed to return to Bill his five dollars, his fare to St. Louis, and return home on the boat without any additional charge. With much reluctance "Ugly Bill" accepted this proposition, to the great relief of all on the boat, not excepting the captain, who never heard the last of the yarn.

CHAPTER V

EARLY RECOLLECTIONS OF THE MORMONS, THE FIRST WAR WITH THE BRULE SIOUX INDIANS

ABOUT the time of my birth, a great many—if not all—of the Mormon faith, congregated and took up residence in the several counties adjoining Price. Their principal settlement was in Jackson County, where they contemplated building their great central temple in Independence, which is now the county seat, situated on the out-skirts of Kansas City.

In Independence they erected a church building in which they have continued to worship with little or no intermission up to the present time. Because this was the first church building erected, it is generally believed that the heads of the church are committed, through Revelations, to return and erect their great temple at that point, thus making that location, which is within a few miles of the geographical center of our country, the Mecca of the faithful of the Mormon Church. The ground upon which this temple is to be erected is still held in readiness for the proposed building. The Mormons, who make Independence their center are not nor have ever been polygamists.

It was not long before disputes leading to disagreements with their Gentile neighbors in that county occurred, and during the cold winter, many of them were driven across the Missouri River. Many of the farmers in our county, realizing their suffering condition, allowed them the use of their out-buildings until they could find better homes.

To one of the refuge Mormon women, my fate as a new born infant was confided, because my mother was too ill to care for me. The name of that good woman who cared for me I do not remember, but her kind and loving actions have not and never will be forgotten.

The next move of the Prophet, Joe Smith, and many of his followers, was to Caldwell County, Missouri, where the erection of a temple was commenced. Great quantities of fine limestone were accumulated, some of which are there to this day. But very soon strife with neighbors occurred and some one shot the Governor of the State. The head of the church was accused of this act and it was seized upon as a cause for calling out the militia and the expulsion of the Latter Day Saints and Mormons from the State.

Nearly all the Mormons left Caldwell County, Missouri, and located at or near Nauvoo, Illinois, where a temple was erected. The erection of this temple was soon followed by the tragedy at the jail in Carthage, in which Joe Smith and his brother Hyrum were killed, and in the expulsion of his followers from that State. The Mormons then moved to Kanessville, another point on the Missouri River, in Iowa.

About that time the war with Mexico occurred and the Government being aware of the destitute condition of the Mormons, rendered them aid and mustered in what was known as "The Mormon Battalion" for service in California. This Mormon Battalion was mustered out after the expiration of the Mexican War, as I now recall, and its members returned from California to Utah, whence the Mormons remaining in Missouri had meanwhile preceded them. There they were re-united with their families and friends.

The first parties of Mormons who crossed the plains, tarried for a while near where the town of Glenrock, Wyoming, is now located; with the evident intention of

making that their initial settlement, far removed from civilization, and as a base for other settlements to be projected therefrom. Evidence of this intention is shown by numerous remains, which may be seen there to the present day. It is related that a party was sent west from that point over the Oregon trail and, penetrating the valley of Salt Lake, decided upon that as the proper location for their initial settlement.

These Mormon pioneers with their families worked their way to the promised land over a new and rough road of twelve hundred miles, some in wagons and carts, while others used hand carts and wheel-barrows. From 1847 to 1868, the latter year being the year of the completion of the Union Pacific Railroad, great numbers of Mormons, mainly from Europe, made up trains at the Missouri River, composed of similar vehicles and journeyed to Utah. In the early days, I have seen many of these trains and remember passing through one corralled near Fort Leavenworth in 1854, in which cholera had broken out, resulting in the loss of many lives. I saw two or three bodies laid out on wagon tongues when we drove through.

The first massacre of soldiers on the plains by Indians in what is now Wyoming, was caused by young Brule Sioux warriors killing a Mormon's cow near Fort Laramie, where there was a large encampment of that tribe. In this relation, I may mention that in the soil of Wyoming there are buried many more men, women and children who were killed by the Sioux, Cheyenne and Arapahoe Indians than in all the other mountain States combined.

Lieutenant Grattan, a new arrival from West Point, was ordered out with twenty-five or thirty men to arrest the three young warriors who had killed the cow. At the encampment they found a long line of warriors drawn up. The chief claimed he could not deliver the

guilty parties, because they had left the camp. Lieutenant Grattan gave him fifteen minutes to deliver them or be fired upon by the soldiers.

At the expiration of the fifteen minutes, the prisoners not forthcoming, the order was given to fire, with the result that within a very few minutes all excepting one or two of the entire party of soldiers were killed. The Indians at once broke camp, crossed the North Platte River and disappeared.

I well remember seeing General Harney march out to Fort Leavenworth with infantry, cavalry and artillery to punish that tribe and this punishment turned out to be the first real war with any of the Sioux. General Harney found the Indians ready for battle at Ash Hollow, on the Oregon trail in Nebraska, not far from what is now the eastern line of Wyoming. There a battle was fought.

The Indians suffered a great loss in this battle, from which the Brule Sioux never entirely recovered. In a great measure it eliminated them from the long Indian wars that occurred in years afterwards. This was the Indians' first experience with the long range Minie rifle and guns, which they said shot to-day and killed to-morrow.

It is not my purpose in this chapter of stirring events to discuss any moral, social, religious or political questions at that time applicable to the Mormons or Latter Day Saints. Whatever opinions regarding their actions may exist, it can not be safely denied that the head of the church at that time was a man of great business sagacity. It is doubtful if Brigham Young was inferior in executive ability to any man in our land. In evidence of this it has always seemed to me that he worked out a deep laid plan, after emigration to California had mainly ceased, which proved a great source of revenue to his people. It was mainly his efforts which caused the

Government to send an army of fifty-five hundred men to Utah in 1857 under General Albert Sidney Johnston, better known to us western people as "Salt Lake Johnston." Nearly, if not all, the officers in that army became famous in the Civil War a few years later.

After establishing Fort Douglas, and virtually placing the territory under military rule, nearly all the troops were gradually withdrawn. It was in this withdrawal that the Mormons, as a people, benefited most. It was a regular windfall for the Mormon people, who profited through the purchase of Government wagons, mules, harness and other property. Great numbers of wagons, oxen and train supplies belonging to the great freight-ing firm of Majors, Russell and Waddell were also sold. Thus ended the third virtually bloodless Mormon war.

Notwithstanding the general exodus of the Mormons to the Salt Lake District and Utah generally, two branches of the faithful, one in Missouri and the other in Iowa, never left those States. A Mormon by the name of Davis rented part of a farm from a man named McFall in our county. They could never agree, and quarreled violently on several different occasions. The quarrels were patched up but they lived a sort of a cat and dog life.

One day Davis went to a field where McFall was working, seated himself on a stump, commenced whittling and renewed the quarrel. This so aggravated McFall that he hurled his axe at Davis. It buried itself in the stump, from which Davis rolled in time to save his life. McFall ran away, but later returned and was indicted. Meanwhile, Davis disappeared. Jim Craig of St. Joseph, the general who afterwards located Fort Halleck at the base of Elk Mountain, one of the greatest land marks of Wyoming, was elected circuit attorney for our county. When the case came up for trial, he had it continued.

Between terms of Court, he learned that Davis had been arrested in St. Joseph for stealing hogs. Being a recognized joker of wide reputation, he had Davis secretly brought back to our town and held him for the next term of Court. On trial day after both sides had announced themselves ready for trial, Davis was called as a witness. The defense was greatly amused at the supposed bluff, but when the man himself suddenly appeared in the Court room, there was consternation and great excitement, during which McFall slipped out. He escaped and the case was dismissed. Davis dropped out of sight and was never afterward heard of in that section of the country.

In closing this account of old recollections of the Mormons, it is not out of place to say that it is extremely doubtful if any other people, church or organization could have successfully occupied the Salt Lake Valley under the adverse conditions that existed.

CHAPTER VI

MY FIRST OFFICE AND THE SETTLEMENT OF KANSAS

THE day I reached the age of seventeen years, I was appointed Deputy Clerk for the Circuit Court and Deputy Recorder of Peace for Platte County, Missouri. In this capacity I served for more than two years or until Kansas was made a territory in 1854.

During the time of tenure of this office, I devoted every spare moment to the reading of law and pursuing other studies generally. This study, coupled with the advantages which I secured in the office, enabled me to become very well educated in mathematics and other English branches without continuing to attend school. Being in this office also brought me in close contact with many attorneys and politicians, a number of whom were of national reputation. Others became famous in after years as soldiers and statesmen.

Early in 1854, what is known in the history of the country as The Kansas-Nebraska Act, passed Congress. At that time Arkansas, Missouri and Iowa were the border States, hence the word "border ruffians" as applied to Missourians during the Kansas struggles which were precipitated immediately after the settlement of Kansas began.¹

For a long time prior to the passage of the Kansas-Nebraska Act, the Government had been removing In-

¹ The wild and vicious fight growing out of the repeal of the Missouri Compromise after years of passionate quarreling and murderous action resulted in the birth of Kansas and later the terrible Civil War.

dian tribes from the States east of the Missouri and Mississippi rivers and allotting them reservations west of the Missouri and adjoining the western boundary lines of Missouri and Arkansas, south of Kansas City. None of these reservations extended further west than sixty miles of the boundaries mentioned, all beyond being then considered and called the "Great American Desert."

The Government had treated with some of the tribes of Indians for the whole of their reservation, with others for a portion only, the Indians retaining part and remaining therein. After these settlements were negotiated, what is now Kansas, Nebraska and a part of Colorado and Wyoming was opened for settlement to the whites.

When it became evident that the Kansas-Nebraska Act would become a law, I accompanied my father on a trip into Kansas, where we visited the homestead of Louis Pappan. Pappan, who was married to a half-breed Kaw or Kansas Indian woman, was the owner of a section of land in what is now North Topeka and he operated the ferry on the road from Fort Leavenworth to Santa Fe, at the crossing of the Kaw River at his place.¹

¹ A. C. Dodge of Iowa offered a bill for the organization of Nebraska, accompanied by an elaborate disquisition upon the status of slavery in the public domain. This was considered by the Senate in January under the vigilant eye of Stephen A. Douglas. By the terms of this adjustment Missouri came into the Union as a slave state, except north of parallel 36° 30'. Thus it was that Judge Kuykendall and his family—people of brilliant minds and keen observation of the national questions so volcanic at that time, became fairly saturated with patriotism and the spirit of state pride.

This bit of history is told merely to show the early influences of his life and the passions of the hour and to explain a little more fully the exact mental condition of the country in which he lived. It must be borne in mind that the beginning of his

He had one child, a daughter then eighteen years of age, who was attending school at the Pottawatomie Mission, a few miles away. Upon our arrival he sent for her and offered to sign for the land, his cattle, horses and surrey if I would marry her. She was a good girl with a fair education and I was a boy then with no matrimonial intentions and not at all inclined, any more than I am at the present time, to inter-marriage between people of well defined and different races. So I regretfully declined the proposition and two or three years afterwards the young lady married a man named Curtis, father of Senator Curtis of Kansas.

Early in August, 1854, immediately after my father and I had returned from this excursion, our entire family—consisting of my father, mother, younger brother and myself moved into Kansas and settled four miles east of Topeka, on the north bank of the Kaw or Kansas River.

I was then about nineteen years of age and there was my first experience in hard manual labor. Houses, barns and other out-houses had to be erected before winter, and rails had to be split to fence in the farm. There was not a saw or grist mill within sixty miles and not a neighbor within twenty miles. All supplies had to be hauled from the Missouri River.

Realizing if all this was to be accomplished, with no one to perform it save my younger brother, then about sixteen years old, and myself, all idea of hunting the shady side of trees and logs had to be abandoned, we proceeded to map out the work. I chopped the logs, and my brother hauled them, with some assistance from

eventful manhood—that is in 1854, the territories of Kansas and Nebraska were created and human slavery was legalized north of latitude 36° 30' opening to that institution 500,000 square miles east of the Rocky Mountains which had previously been shielded by the compromise of 1820.

father. We hewed enough for a large two story house, which we erected and completed in time for winter. The barn and other out-houses we built out of round black jack logs. During the winter we split and hauled the rails for fencing the farm, becoming expert rail splitters before the spring.

During the two years which we spent developing this homestead, my experiences with the actual hardships of life first became apparent to myself. As I say, I had become an expert in breaking prairie and general farm work, as well as with the ax. These duties, together with taking part in the Kansas troubles with the militiamen, and acting as the first county clerk of Calhoun, now Jackson County, kept me very well occupied. I was also Deputy Clerk of the District Court of that county, as can be determined by old records at Holton.

As we had to haul all our supplies about seventy miles, we contemplated the establishment of a ferry across the river, the second spring following the occupation of our place. I was sent to Parkville, Missouri, near Kansas City, to get a flat or ferry boat. This I secured and loaded it too heavily with lumber and other supplies and came near being wrecked on a sand bar before entering the mouth of the Kaw River at Kansas City.

After two days of towing and pulling up that river, I found a bar over which it was impossible to force the boat and owing to that factor and the cold November weather, I returned to Wyandotte and induced a Delaware Indian to let me have teams to haul the supplies home. Thus ended my first adventure as Captain of a boat. I succeeded better with the Indian wagons and the cattle.

In the spring of 1855 we broke the sod and put in cultivation forty acres of land. During this year the first Legislature met and passed the first code of laws

and provided for the organization of Counties. At the age of twenty, I was made County Clerk of Calhoun County and all the first records in that office were opened by me.

At the close of this year it became evident that a collision was imminent between the Pro-slavery and the Free-State men in that territory. The latter had positively refused to participate in the election of members to the Legislature when the laws were promulgated and the machinery of the territorial and the County Government thereunder, were put in motion. Hundreds of rifles and much ammunition was shipped from New York, and the New England States, being marked "Teachers Bibles," through which we of the pro-slavery persuasion were to be converted.¹

After some delay and with nothing save Squatter law in effect, the Governor, A. H. Reeder, arrived and with him came a number of office seekers and land and town-site speculators.² In the absence of any laws it was expected the Governor would immediately call an election for members of the Legislature. For several months he was too busy in town-site and other speculations and in political maneuvers to do so and during this time Squatter Law had full play. Under the leadership of ex-Governor Robinson, Jim Lane, "Old Pomeroy" and a few others, a rough Legislature and government was set up, as against the legal one that had been established in accordance with the organic acts of the territory.

¹ Eli Thayer organized a \$5,000,000 company to assist in settling Kansas. The New York *Tribune* spent millions in Emigrant Aid Societies.

² By means of Squatter Sovereignty, Kansas could have slavery or not as she pleased. Therefore it is easy to see that this borderland in which the Judge spent his young manhood was of vital importance. It was the battlefield on which the North and South started to fight each for its own principles.

Then the real trouble began. Counties were legally organized, but officials were handicapped in many ways, for it early developed that a part of the population was composed of obstructioners who refused to participate in elections or aid in enforcing the laws, and claimed to hold allegiance to the rough Government.¹

This rough Government, which never had a legal leg to stand upon, defied the regularly constituted territorial and United States authorities. Lawrence was the hot bed and seat of the trouble and at this point large bodies of armed men began to concentrate during the early part of the winter of 1855.² The lawful Governor, the acting Governor of the territory, called out the militia to suppress the insurrection and enable the United States Marshal to arrest certain law-breakers.

I raised a small Company under the call for militia and marched to the town of Franklin, three miles below and in view of Lawrence, where one or two companies of militia was camped in the timber along Waukarusha Creek, three miles back. Here we camped, playing soldier for several days, expecting every night the enemy would sally out and attack our small force in Franklin, as we were evidently stationed there to draw them out, the idea being that an attack would be an overt act of war.

However, it was believed that with the sod and log houses and other natural advantages for defense, we could hold them in check until the main body with the

¹ A writer of the period said, "You will find a Yankee, a Tennessean and a Missourian living together in one cabin as harmoniously as a prairie dog, a rattlesnake and an owl."

² Mingled with intellectual, hospitable, courteous and high-minded southerners of the best type were "white trash," demoralized veterans of the Mexican War, thoughtless passionate adventurers coming back from the mining camps of the Pacific coast and from the mountains and plains of Colorado, whiskey guzzlers and ugly fighters, traders, gold-hunters and Mormons.

artillery could come to our relief. Our orders were to hold the town at all hazards if attacked. Every day we expected orders to advance, but they never came and finally some kind of a treaty was patched up, it being stated that the obstructionists had agreed to disband and submit to the laws.

They disbanded, but never submitted to the laws to any appreciable extent. We were then ordered home. This was the first open out-break and forerunner of the Civil War. That campaign, in which I took part, ended in the arrest of two or three of the pretended officials and in the hiding or flight from the territory of others.

CHAPTER VII

RECOLLECTIONS OF EVENTS IN THE KANSAS WAR

EARLY in 1856 it became evident that regular fighting would ensue. Jim Lane marched in from Iowa with about eight hundred armed men, making a fairly well beaten road across the Prairie through Holton in our county, crossing the Kaw River at Topeka, then a very small village, and thence to Lawrence. This brought armed Missourians or "Border Ruffians," as they were called by the "Free State Men," into the Territory in large numbers.

In running our ferry we had to be armed, and established a rule not to cross any one after twilight. One night hearing loud and persistent calling from the opposite side of the river, I went to the ferry and after parleying a while took the chance of being shot by going over and ferrying the man across the river. His name was Cleveland. Some of Jim Lane's men in fleeing back to Iowa had stolen his horse to aid them in their flight, notwithstanding the fact that he was a leading Free State man and Lieutenant of one of their companies.

Soon after this his company appeared at our house really to arrest us boys and get our horses and other personal property, of which purpose we had notice in ample time to get out of the way. They robbed the house, though Cleveland protested. That night the whole company except one man and the Captain, voted him in as Captain. He was afterward killed by United

States soldiers near Ft. Leavenworth, for stealing mules—it was claimed.

My sister-in-law having become hysterical, it was necessary to get her away from such daily scenes of excitement. My father insisted I should go with the others and take her to Missouri, as I was the man of the family the Free Soil men wanted. Much against my will we started next morning—myself, my brother, and his wife—with our guns under the bed in the wagon, the team being the match span of horses they had drawn lots for the day before, but did not get (as we had been warned).

On nearing the Military road a few miles from home we were halted by a squad of men soon joined by the remainder of the company. When they galloped up, Cleveland appeared as the Captain. I said: "You have the best of us; we surrender because we have to. Here are the horses and here am I." He replied that there would be no surrender for me, as he had not forgotten the favor I had shown him at a great risk only a few nights before. Many times since then men supposed to be better than he, have failed to respond in like manner for favors granted in a personal, political or financial way.

When we reached Missouri where the property we conveyed was safe, I shouldered my musket and started on the seventy mile walk for home, for my old father and mother were there and alone. Directly after crossing the Missouri River the booming of a cannon was heard. Upon reaching Hickory Point, on the Military Road from Fort Leavenworth to Fort Riley, near the present town of Winchester, I found the Road house and the badly battered blacksmith shop of Charley Hardt, a settler there from our county in Missouri. Jim Lane, in fleeing from Lawrence for Iowa with several hundred men, had the second day before appeared

before and demanded the surrender of the twenty or thirty Pro-Slavery Militiamen on their way to Lecomp-ton. He had caught them in camp.¹

A fight lasting several hours ensued, when Lane pulled out and continued his flight to Iowa. The next morning a large force under Colonel Harvey with Major Bickerton having charge of the Cannon who were either following Lane out of the Territory or had left Lawrence to keep from being captured by the Militia and Missourians, closed in on that place and the second day's fighting occurred, resulting in the battered up appearance of the place, especially the Black Jack Logs of the shop which were full of cannon ball holes. Harvey withdrew to a creek five miles away and camped where he and many of his men were captured that night by a force of regular Cavalry under Colonel Philip St. George Cook.

I reached home safely by following Indian trails away from the military road which was infested with roving bands of armed men who, at a distance, could not be distinguished one from the other. I found father and mother both safe and well.

About this time the Acting Governor, aided by the Militia, and the regular soldiers, the United States Marshal and courts, had the insurrection so far as fighting was concerned, well in hand, for most of those not prisoners were fugitives.

The arrival of the new Governor (Geary) also had some effect in quieting affairs. Upon his arrival at Kansas City, the boat was boarded by a large delegation of so-called Border Ruffians as all Missourians, (especially those of the border counties were termed), who escorted him and his party to a banquet and reception provided

¹ The St. Louis *Intelligencer* said, at this time, "If they continue Missouri will soon be aflame. It will spread to the South and the Union itself will perish like a burnt scroll."

for their entertainment, where everything passed off pleasantly. After the banquet they were escorted back to the boat which soon landed them on Kansas soil at Leavenworth. Guion, his private secretary, in relating the story of that reception described the several hundred "Border Ruffians" as wearing gray, blue and red flannel shirts, wide brimmed felt hats of different shades, pants stuck in high top boots, each armed with a Bowie knife, or a revolver or two.

In giving this vivid description with the statement that he, for one, did not feel very safe while accepting their bounteous hospitality, he drew a wide and true contrast showing the other and versatile side of the same real border Missourians of that day. This is the contrasting picture he drew: In Washington, the following winter he met a man on Pennsylvania Avenue dressed in the height of fashion, even to a silk hat and gold headed cane, who greeted him by extending his hand with the salutation, "Well, Mr. Guion, it seems you have forgotten me. I was one of the red shirted Border Ruffians that entertained you at Kansas City."

Many of those men were at home anywhere, either in peace or war. Besides their scholastic education they were well schooled in everything pertaining to our western border, whilst many of them had received additional training in various capacities on the plains. Being descendants mainly of the Kentucky pioneers they were generally men of honor and ability and free from ruffianism.

Hundreds of killings, house burnings, stealing and pressing of horses by Pro-Slavery as well as Free State men and of the flight of men of both sides to places of safety, could be related here, but it is not my purpose to go into all details of such herein. Many bloody engagements would have occurred but for the intervention of the regular army.

To give some idea of conditions existing during the warmest period, it is sufficient to say that companies on both sides marched along the main roads and woe to the man they met. One new comer who did not understand the situation met a company who halted him and enquired as to his politics. He said he was a Free State Man. They said he was the very man they were looking for, took his horse, and let him go. A few miles further on he was halted by another company and declared himself a Pro Slavery man. He had made a bad guess and was relieved of money and valuables and all clothing except his shirt and drawers. After traveling a few miles in that condition he met another company and without delay declared they would have to tell him which side he was on as he had forgotten and related what had happened. It seemed such a good joke to them they fitted him out the best they could and he went on his way rejoicing that his life had been spared. This will give the reader a slight idea of the chaotic conditions.¹

There was a company of Pro Slavery men at Kickapoo, having a six pounder cannon which they named the "Kickapoo Baby." A young lawyer of doubtful politi-

¹ An apprehensive, uneasy feverish state of affairs existed at this time in Missouri. The Kansas-Missouri border fairly sizzled with indignation and explosive materials. Western Missouri contained 50,000 slaves worth about \$25,000,000. "The enforcement of the restriction in settlement of Kansas was virtually the abolition of slavery in Missouri." This famous declaration was made at a pro-slavery convention in Lexington.

This was the situation in a very few words: In 1820 the adoption of the Missouri Compromise and the establishment of the Mason and Dixon line north of which there were no slaves gave birth to an intense feeling which later made the borderland of Missouri and Kansas reek with blood. California admitted as a free State fed the flame and brought about wonderful bursts of oratory from some of the most famous Americans who ever sat in Congress.

cal proclivities from those of the "Rangers" and other citizens of the town had made himself disliked, and one night, Thompson Word congregated a few convivial spirits, wheeled the "Baby" near the lawyer's office, where he slept, loaded it with nails and spikes and fired through his office, luckily missing him and his bed. A few jumps and he was in the Missouri River and being a good swimmer, made the Missouri shore and escaped. Under existing conditions that was considered a great joke.

Many men on both sides, as we had done, moved to Kansas as real honest settlers to secure homes in a new country for themselves and families. But both factions shipped in men as colonists who were in many cases simply birds of passage, absolutely lawless, and whose action kept certain sections of the territory in nearly continuous turmoil and fighting all through the summer of 1856.¹ This was the forerunner of the Civil War and laid the foundation for the later frightful destruction of life and property and desolation of the country along the border between Kansas and Missouri.

It would fill a book to relate the devastation and fighting on both sides of the line during that awful four years. Happily that is part of the long ago in which the young men of my generation were actors. May such conditions never again exist in this, our great united country.

¹ A writer of that period states: "But not only were the principles of these great factions being tested in fire starvation and blood, but as is the case with all pioneer counties there were all kinds of struggles—a medley of humanity fighting for love of adventure,—hirelings, fanatics, reformers, philanthropists, and patriots mingled together with varying shades of love and hatred. Such emotional conditions and such drastic and vigorous situations breed great men."

CHAPTER VIII

JOHN BROWN, THE ENGAGEMENTS AT OSAWATOMIE AND OTHER EXCITING EVENTS

JOHN BROWN, of Harper's Ferry fame, was located at Osawatomie and had gathered around him a goodly number of fanatical agitators who were determined to create a war between the free or Northern and pro-slavery or Southern States. It was claimed by Pro-Slavery men who had honestly settled in his neighborhood before he appeared on the scene that they were not allowed to live in peace through the outlawry of that man and his gang whom they charged with stealing or as they termed it "pressing" horses and other property, burning houses, and terrorizing settlers thereby causing them to flee from their homes and making forays into Missouri running off negroes and horses.¹

Naturally such a condition could not last and resulted in a few settlers from other localities and a force of Missourians making a night march on Osawatomie during the summer of 1856, where they soon whipped and ran Brown and his marauders out of the country—at least for the time being. Directly after the arrival of Governor Geary, peace was restored generally all over the Territory except in the neighborhood of Osawatomie, where there continued to be periodical outbreaks by Brown and his followers until he left the Territory. He and a few others, who, it is believed, had agreed to go with him and become martyrs so-called in that fanatical attack upon a State or the National government gathered a few Negroes and horses from Missouri and moved out

of the Territory by way of Topeka and the "Jim Lane" road.

The United States marshal getting word of this, directed his deputy at Lecompton to summon a posse to intercept and arrest him and his party. The deputy, on the way to head him off, summoned a posse of twenty or thirty men and finding them in two or three houses in Holton, the county seat of our county, surrounded the houses and demanded their surrender. Brown, having the protection of the buildings and ample time to prepare for resistance refused to surrender. Two of the posse who were well known to me, were ordered by the deputy to take a heavy rail off the fence and batter down the door. This they prepared to do, when for some inexplicable reason the deputy changed his mind and withdrew from the town leaving the way open for Brown to get word to Topeka, from whence a large reinforcement hurried to his relief.

The deputy hesitated at the critical moment and was lost. In withdrawing, he said it was for the purpose of drawing Brown out on the road where they would have him in the open and where he would no doubt surrender to a superior force, and accordingly posted himself and posse at the crossing of a creek not far from town. As soon as Brown received the reinforcements he renewed his journey to Iowa, and the Deputy seeing that he was greatly outnumbered and had made a mistake, led the disgraceful flight which ensued, leaving the way open for Brown to reach Iowa without further interruption—never to return to Kansas—thus leaving him free to make his raid on Harper's Ferry (which he did soon afterwards) a full account of which is or should be familiar to everybody.

Colonel Titus from Florida had settled on a fine tract of land a mile or two south of Lecompton then the capital of the Territory. He was an active and leading Pro-

Slavery man and a fine looking person with a military bearing which would attract attention anywhere. Directly after Lane's arrival from Iowa a force was detailed to go out from Lawrence to attack and destroy the Colonel and his house. Fortunately he got word of the movement, managed to get a few of his men in the house in time, and there resulted a warm engagement in which Titus lost a man or two and was seriously wounded himself but managed to beat off the Laneites and save his house although it was badly peppered with bullet holes.

He was to some extent a soldier of fortune not unlike Walker of Nicaragua fame. He afterwards engaged with Walker in a raid on that republic in which it was reported that he and Major Henningsen, both prominent officers in the Confederate Army, were detailed to ascend a river on a boat and take a certain fort. When near it, Titus and most of the men were landed and attacked from the land side with small arms, failing to make any impression. Titus finally retired to the boat where an altercation occurred between him and Henningsen, whom he charged with having failed to support him from the water side with the artillery on the boat. Henningsen retorted by charging Titus with cowardice and the latter seized and threw him overboard. That settled the squabble as friends of both intervened and choked off further belligerency.

The fight at the house of the Colonel so near the Capitol of the Territory caused the Acting Governor to call out the militia again, which, as rapidly as possible, congregated at Lecompton. General Frank Marshall, a brigadier general of the militia, who then resided at Marysville, on the Blue River, and afterwards a prominent citizen of Colorado, with a small force and a six-pounder hurriedly marched past our place ten miles from the Capitol. Very soon after his arrival, Jim

Lane with his six or eight hundred invaders suddenly appeared on the ridge south of and overlooking the town, where about four hundred militia under Marshall were drawn up. Deputy United States Marshal Sam Cramer having warrants for the arrest of Lane and others of his command, mounted his horse and as they were going into line rode up to Lane and attempted to arrest him. They quickly arrested and discounted Sam amidst laughter and cheering and tore up his warrants. After his release we joked him over the incident, at the same time admiring his nerve, which I saw tested more than once afterwards when he was in close and dangerous quarters.

Marshall ordered out a company as skirmishers. Lane did likewise and the bark was soon flying from the Black Jack trees on the slope of the hill between the opposing forces, but the real battle did not materialize, for Lane had delayed his attack in force too long, enabling Colonel Philip St. George Cooke, camped nearby with a regiment of United States Cavalry, to hurry his regiment to the scene thus preventing a serious battle, as neither side would risk firing upon regular soldiers of the Government at that time.

Lane hurriedly fell back to Lawrence and realizing that it would soon be invested and taken by the militia and enraged border Missourians, he fled for Iowa with a good part of his invading force.

A short time before Governor Geary arrived in the Territory, Sam Jones, who was Sheriff of the county in which Lecompton and Lawrence were located, was shot and badly wounded while in the performance of his duty and it is doubtful if he ever entirely recovered. About the beginning of the session of the Second Legislature he tendered his resignation and the county commissioners appointed a young Virginian named Sherrod to fill the vacancy. Under the law he had to be commis-

sioned by the Governor, which was mandatory however that he should commission in all cases. He refused to issue the commission on what seemed to be good grounds and the appointee spit in his face and challenged him to fight a duel.

Of course this was foolish and uncalled for, but the Governor's household friends whom he had brought to the Territory made matters worse by calling an open air meeting to be held on the grounds where the Capitol building was being erected to adopt resolutions of censure, and fearing they would be outvoted, imported a number of men with side arms from Lawrence. The meeting developed quickly into a warm one, and while Sherrod was speaking, a man named Shepard drew his revolver and called him a liar, starting a general shooting. Sherrod shot Shepard three times and his other shots hit other men. He then rushed upon, and grabbed Shepard who was about to fall and commenced beating him over the head with his empty revolver. The Sheriff (Jones), caught and pulled him away and in doing so, had his watch chain broken by a bullet.

Sherrod was merely scratched when one of the Governor's household who was standing behind a large casting shot him in the head at close range causing his death three days later. Sherrod, when shot, was defenseless as his revolver was empty and his killing was a cold blooded murder for which the murderer was never punished or even tried, being spirited out of the Territory at the earliest moment. The whole affair involved both parties in blame, but such was the rule and not the exception at that time.

During the autumn of 1856, I, for the first time, left the family homestead for a protracted stay, going to Lecompton to act as Deputy Clerk of the District Court of the First Judicial District composed of several of the

largest and most populous counties, the court being held and all business transacted at one place.

The clerk of the court from his arrival with the Judge (Lecompte), in 1854, had failed to open up any of the records except one book similar to the docket of a Justice of the Peace which showed more than a thousand civil and criminal cases then pending or which had been disposed of in some manner. He resigned and J. R. Whitehead, afterwards quite prominent as a member of the first Legislature of Wyoming, was appointed to fill the vacancy.

He knew nothing about how to open up the records in proper form, and sent for me wanting to know if I could open the fine set of books the other clerk had procured but never opened, and properly make up the record in each case. On being assured that it was a large contract in connection with the other office work, but I could accomplish it if the entries in the docket were correct as to dates and procedure in each case, I was employed and made Deputy, and he went home, returning and staying for a day or two once or twice during the winter.

By the following spring everything was in the record in each case up to date with all necessary papers out for the next term of court when I moved the office to Leavenworth City, where those records in my handwriting can probably be seen in the clerk's office.

Directly after the office removed to Leavenworth and on the 14th day of July, 1857, I was married to Miss Eliza A. Montgomery, daughter of John and Elizabeth Montgomery of Buchanan County, Missouri. They were both of Scotch descent, Virginians by birth and education, Kentuckians and Missourians by adoption. She and I traveled life's pathway together for more than forty years through sorrow and sunshine until 1898,

when she was taken away, leaving me a lonely man indeed.

Bad men have always existed who upon occasion and generally with little or no provocation, become for the time being lunatics. Here is an example of this. A young lawyer who boarded in the same hotel with me in Lecompton, visited for a few days at the winter quarters of Captain Newby, who was stationed with his company of regular cavalry in the timber just across the river. On his return from a visit, the hotel man requested back pay for board, telling him that was the last meal he would get at his table until the bill was paid.

The lawyer at once unexpectedly developed into a "bad man" by throwing a plate at the other. The rest of us who did not run out, were kept busy dodging flying tableware with which they were trying to pelt each other. When they finally clinched, I caught the hotel man firmly from behind and another boarder did likewise by the other whom he forced out into my office to wash up. The hotel man went up stairs, got his revolver and demanded that he be let out at the front door which his wife had locked and was standing against. At the same time the lawyer who had discovered that he was marked, was raging on the outside to get in. I positively refused to let one in or the other out, then the hotel man went through the kitchen to his saloon nearby.

On such occasions trouble breeders are always on hand to aid in causing a tragedy if possible. One of that class who was in the saloon, told the wild lawyer where the other man was and a bystander was foolish enough to loan him his revolver. He walked to the saloon door and blazed away, the bullet clipping off part of one of the hotel man's eyebrows and stunning him. Before he could fire again, the door was shut and he proceeded to

walk up and down daring the other man to come out, that he could walk ten steps turn and have the first shot. The man who shut the door finally called to him that he had shot the hotel man and to go away. This infuriated him and he dared that man, although a near friend, to come out and try his hand at ten paces, which establishes the fact that for the time being he was crazy on the subject of shooting somebody or getting shot. That was the first case of that kind to come under my notice, but it was by no means the last.

My father was chairman of the Board of County Commissioners of our county at and for some time after its organization. He was also a member of the second Legislative Assembly and a member of the constitutional convention which framed what was known as the Le-compton Constitution, the opposition to which on the part of Stephen A. Douglas was the main cause of estranging the Democrats of the South and causing the split in that party and the election of Mr. Lincoln in 1860.

It will thus be seen that I, although but a boy, and my family were makers of history in Kansas during the first six strenuous years of its existence as my ancestors had been pioneers in Kentucky and Missouri. Many prominent men and able lawyers were my friends or acquaintances among whom is well remembered General Sherman, General Tom Ewing, Colonel Dan McCook, Jim Lane, Wheat and Stanley, all attorneys in Leavenworth, who became famous as army officers on one side or the other in the Civil War. While officiating in Leavenworth, I became acquainted with Slade and knew many of the men who assisted him in putting the Hockaday or first stage line across the Plains on the Oregon trail.

My family always remembered Tom Ewing with gratitude for the part he played at our house one day where

he and two other men stopped to get dinner while on their way to Topeka. We had fine tracts of Delaware Trust lands which others desired if possible to obtain, and as the sale of same was very near at hand, they hatched up a plot over a trivial matter and concluded to run a bluff and place us in a position to prevent our presence at the sale to bid in the land. In pursuance to this, they had appeared and we had bluffed them off the hill only an hour or two before Ewing's arrival. While Ewing and his friends were at dinner, the gang returned with reinforcements and renewed their bluff, the two leaders standing out of harm's way behind the corner of the main building.

There is no doubt that I and my father and two or three of the other party would have been killed, but for Ewing and his friends coming out of the dining room at the critical moment disconcerting the other party. He asked my father if the house belonged to him and being answered in the affirmative, he said that "under the law the gang were trespassers, had no right there and he and his friends would assist in their immediate departure." They left in a hurry, hastened by the appearance of the muzzle of a double-barreled shotgun through the door behind Ewing with one of my brothers behind the breech and no doubt leading them to believe we had also been reinforced.

During the war Ewing issued the famous order number eleven which depopulated the border counties in Missouri and destroyed the homes of many of Shelby's, Marmaduke's and Jackman's men from the Missouri River to the Arkansas line. When the battle of Pilot Knob in Southeast Missouri was fought during General Price's great raid in the fall of 1864, Ewing escaped with his forces in the night, fighting us all the next day on his retreat with me, really hoping he would escape,

which he did by reaching the Southwest Missouri Railroad. I feared that some of the men made desperate through that order, who did not then know where their families were, would kill him if he were captured.

CHAPTER IX

THE GREAT GOVERNMENT FREIGHTERS, MAJORS, RUSSELL AND WADDELL—THE PONY EXPRESS AND OVERLAND STAGE LINE

THE Mexican War had demonstrated that it was the better plan for the Government to contract for the transportation of supplies and munitions of war from Fort Leavenworth to army posts on the Plains than to attempt the freighting of its own supplies. Alexander Majors, William Russell and Waddell, residents of Jackson and Lafayette counties, Missouri, formed a company or co-partnership and contracted to handle all army freight delivered to them for transportation.¹ To

¹ The occupancy of Fort Laramie by the United States troops made it necessary to send valuable mail to the West. This brought about the establishment of a stage line to carry mail and express packages, John M. Hockaday and William Liggett making a contract with the government for this purpose. The stage carried passengers and made the journey from St. Joseph, Mo., to Salt Lake and back in forty-two days—if all went well. The horses were watered at any watering place handy, were fed on grasses of the prairie and were changed at Fort Kearney, Fort Laramie, Fort Hall and Salt Lake.

This continued until 1858 when Russell, Majors and Waddell, government freighters, purchased the Hockaday-Liggett line, which was then making semi-monthly trips. The new company built stables and stations every ten or fifteen miles. Stages left Atchison and Salt Lake every day and made the 1200 miles in ten days. Kentucky mules were hitched to Concord coaches for these trips. Freight train teams were in the road all the time with hay, grain and provisions for the relay posts.

The same firm ran a line from Leavenworth to Denver. Previous to this all mail for Denver and other Colorado points was

properly handle the contract there was required the employment of hundreds of big Murphy and Espenschied wagons made in St. Louis, each with a capacity of ten thousand pounds, hundreds of Bullwhackers and thousands of work oxen.

A train consisted of twenty-five or thirty wagons, each train having a wagon master nearly all of whom as well as the Bullwhackers were Missourians, they being nearest the starting point and well versed in handling work cattle. It was often stated that when a train was ready to move on its long journey, Alexander Majors presented each Bullwhacker with a new pocket Testament. As to how many of them were ever opened and read, there has never been any information received. It is doubtful if any of them are heirlooms as they should be among the descendants of the men who were factors in making the roads across the Plains broad and plain for the settlers and pioneers of nearly all the present States on what was then termed on the maps the Great American Desert.

At the shops of the Company in Leavenworth, I have seen acres of ground covered with their wagons closely parked waiting repairs. During the spring, summer and fall months, their trains going to or returning from forts Laramie, Bridger, Union, Kearney and other military posts were seldom out of sight. Some idea of the great volume of freight transported each year can be formed when in addition to that destined for and delivered at each fort they made possible Harney's successful expedition against the Brule Sioux Indians and Salt Lake Johnston's expedition of thirty-five hundred men for which they had to transport everything necessary for a condition of war twelve hundred miles and

carried by Salt Lake stages and dropped at Fort Laramie and mail matter was often three months old when it reached Colorado

sufficient to keep the troops in the field at Salt Lake after their arrival there. In doing this they lost one or two of their trains near Big Sandy between Pacific Springs and Green River, Wyoming, the same being captured and burned by a large party of Mormon Danites who came out from Salt Lake for that purpose.

A military escort was seldom if ever furnished for any train and the men expected to have Indians to contend with in one way or another on every trip. A loaded train would move fifteen or twenty miles a day, which to many of the speed crazed people of the present time would have seemed an inducement to commit suicide. Many stories of the experiences of the men engaged in that hard, and hazardous work could be written if greater attention had been given to the details at the time, but stirring events were so common, that something unusual had to be recounted to attract and hold attention long enough for it to be noted down or to be impressed upon the memory for future use. Thus many happenings to the men in those trains, of a humorous, tragic, and also of a pathetic character have been lost.

Majors, Russell and Waddell also established the Pony Express between St. Joseph, Missouri, and the Golden Gate at San Francisco, in part under the management and supervision of Captain A. B. Miller, an ex-Missouri River steamboat captain. By this route, a limited quantity of mail was conveyed, thus greatly aiding correspondence of vital importance.

It is an historical fact often published, that Bill Cody or "Buffalo Bill," was one of the most daring boys among all those who rode on that line and helped to make its short but eventful history. I well remember seeing him at his father's house in the Salt Creek Valley near Leavenworth. No doubt the environment, the every day sight of soldiers passing along, bound for forts

on the plains and those of the Harney and Johnston expeditions and the white covered wagons of the bull trains had a great bearing upon his career as a Pony Express rider, soldier, scout and buffalo hunter, bringing him fame as a foundation for the great enterprise for many years linked with his name.

Jim Marsh, one of my schoolmates, was one of the pony riders who sleeps in a Confederate soldier's grave and it was the same environment surrounding Cody as a boy, which was ever calling him and also me to the wild.

The Overland Stage line was started originally by Hockaday and not Holladay, the route being by way of the Oregon Trail through forts Kearney, Laramie and Bridger. For the first station or two from the Missouri River, the six horses were gentle and fine, moving out and returning in fine style. Then came the broncos with a driver on the seat, the coach loaded with passengers and an outrider on a horse using a black snake whip freely. Sometimes a horse would be in and then out of the traces with the coach in and out of the road as they swiftly passed through the scenery which the passengers were too busy keeping their seats to gaze upon with any degree of joy.

The drivers were men of nerve, in fact they had to be to stay with the job. One of them driving out of Atchison, the Missouri River starting point, had a thrilling experience with a bad man. In all border lands a certain class of men have to be killed to insure the welfare and safety of the peaceably inclined. One of the boys from our county in Missouri, when sixteen years of age carved up a wagonmaster from our county at Fort Leavenworth when they were preparing to move out with a train. Afterward, when Kansas was opened for settlement, he went with an uncle and other men to take up claims. While cleaning his gun in a tent he

claimed it was fired accidentally, but the muzzle had been against the head of the sleeping uncle, the only man in camp at the time with whom he had had trouble. He managed to get out of both scrapes, but went from bad to worse, became a confirmed drunkard and a very dangerous man. In Atchison he became a nuisance, stopping people on the street until he was ready to let them and their teams pass.

One day after the mail had been taken on the Overland Coach, it was driven to a hotel for passengers. When they were on board and seated, the driver mounted the boot and found the bad man holding his leaders, saying he would let them go when he got ready. The driver wrapped the lines around the brake lever, dismounted, walked around the team, killed the bad man with his bowie knife, resumed the lines, drove off, and it was said he was never arrested for the killing, although he continued as a driver. Evidently, the people thought him a public benefactor, deserving a medal rather than prosecution for the killing.

After Ben Holladay became owner of the line, the importance of better facilities for settlement in Colorado and especially in Denver, becoming apparent, the route was changed to take in that place continuing north and then west near and around the base of the mountains, to a junction with the Oregon trail or old line near Hams Fork of Green River. Under the supervision of Slade, the change was made. H. B. Kelly, who afterwards served in the Legislature with me in Cheyenne, and Al Huston, were prominent factors in making the change. Holladay secured the services of General Bela M. Hughes of St. Joseph, Missouri, as manager and attorney with headquarters in Denver.

It was a wise selection and based on the fact that they had worked together in laying the foundation and promoting the upbuilding of the Town of Weston in our

county, a town which, until St. Joseph forged ahead, was the main Missouri River trading point for a large scope of country in the northwest section of the State. Both of those men were prominent as pioneers in our county, which General Hughes represented in the Legislature directly after he became twenty-one years of age. After the change to the new route and the erection of necessary buildings for stations ten to fifteen miles apart where the horses were changed, the line of eighteen hundred miles became famous for its large fine coaches and good horses and regularity in the time of reaching stations, as systematic as railroad time except in cases of Indian raids, heavy snow storms or blizzards. Besides the mail, coaches were generally loaded both ways to their full capacity with passengers and express matter. The transit occupied eighteen days from the Missouri River to San Francisco.

There was no stopping night or day except to change horses and for meals at home stations. Passengers could lay over at Denver, Salt Lake City and other places. When gold was discovered in Montana, Slade was superseded as superintendent by Bob Spotswood, who upon taking over the line, found Al Huston, a famous hunter from Missouri, until recently a resident of Wyoming, and now of Santa Monica, California, hunting for the line and made a contract with him at a certain price per pound for all the bear, deer and antelope he could furnish at stations. That section of the country was at the time alive with game and Huston found no difficulty in reaching bands of elk. He was equally successful with deer and antelope. Bob returned to Denver, where a few days afterwards he received a telegram to hurry back to the Laramie Plains as Huston was hanging game on all buildings, shrubs and trees around stations. Spotswood lost no time in changing the contract entered into with the over-zealous hunter.

The Stage line was superseded gradually by the Union and Central Pacific railroads. When the romantic stage coach finally went out of existence, and when the railroads were completed in 1869, Huston left Denver and became a resident not far from Saratoga, where he was guide for a party of Englishmen for several years in their annual pilgrimage to this country for the purpose of finding new and wild fields for hunting and fishing. In doing this, he stipulated that when it came to an encounter with a silver tip or grizzly bear, he would personally run the risk of such encounter. Finally at the close of one hunting season when moving out of camp one morning, the Englishmen insisted and he agreed that if such a bear were routed out that day, he would keep back and let them show what they could do.

Soon the dogs and a fine bear came out of the brush on one side of an open, narrow, grassy glade. The Englishmen turned their guns loose and with the bear and dogs rushed into the thicket on the other side. Huston, who had remained well behind, yelled to them to keep out of the brush, but they paid no attention. Seeing that some Englishman would get hurt, Huston started on a run and was just in time as the bear turned on one of them. The Englishman wheeled to run and fell headlong down the hill, just as a bullet from Huston's gun killed the bear which came near falling on the prostrated and badly frightened Englishman.

This is a reminder of a similar and more tragic case that happened near the stage station at the crossing of Rock Creek, where a man seeing a bear crossing on the ice, shot him. Knowing it was dangerous to follow him into the brush on the island, he reported the incident at the station and a German new to the country, and to bears, seized an axe and rushing ahead of several with guns hurried across the ice and into the brush.

The bear raised up from behind a log and no Huston being there, slapped and broke the German's neck, killing him instantly, before he could use his axe and before the guns could be brought into play.

CHAPTER X

A FEW OF THE MANY VIVID RECOLLECTIONS OF THE CIVIL WAR OR THE WAR OF THE REBELLION

IN the presidential campaign of 1860, it became evident to close observers in Missouri, to which State we had just returned from Kansas, that the election of Mr. Lincoln meant war between the North and South.

Our county was mainly composed of former Kentuckians, Virginians and Tennesseans, the former largely predominating. Environment, therefore in great measure caused two thousand of our young men, myself among the number, to enlist from the first to last in the Confederate Army during the war.

It is not my purpose herein to discuss any of the causes leading up to that bloody fratricidal strife, as it has been thrashed over time and time again from the viewpoint of each side. Nor shall I allude in the way of criticism to any of the present histories of the war, all of which will pass under the critical unprejudiced eye of the future historians, who will, after all of the men who wore the Blue and the Gray have passed over on the other side, write an absolutely impartial history of the cause of that war and of the war itself. When it was over, I accepted its result in good faith and as a loyal citizen of the re-united country for which my great grandfather fell in battle. I was ready any time to defend our flag against a foreign foe.

Short of a great mass of details which would make another book of personal recollections of people and events during the war, I will only incorporate herein a

few of the most striking events coupled with only two or three of the many personal hairbreadth escapes.

Under the proclamation and call for troops by Governor Jackson during the spring of 1861, the first company of so-called cavalry from our county, of which I was second lieutenant, marched to Lexington, where we found probably twelve or fifteen hundred men congregated under Generals Slack and Raines. We very soon moved South and the first morning out, the captain, who had been defeated for major of a regiment (nearly altogether on paper), with about forty of the company, went home, leaving me with about thirty men or boys like myself to continue the march south.

Governor Jackson had, in the meantime, with about three hundred men marched south from Jefferson City, and while in camp about twenty miles north of Carthage, on the first day of July, he was visited by a man who was profuse in his loyalty to the Southern cause, but known by the Governor to be a spy from the camp of Sigel, who with two regiments of infantry and two batteries was at Neosho, about forty miles south. The spy after seeing Jackson's small force, was allowed to depart and a courier was at once dispatched to hurry Slack and Raines to his relief before Sigel could reach him.

We marched all night of the third, reaching his camp during the afternoon of July 4th. The spy evidently went directly to Sigel, who moved at once to capture the Governor, leaving one company to prepare a dinner in celebration of the capture. Upon our arrival, Shelby with his company, was sent forward and during the night encountered Sigel a short distance north of Carthage. Our whole force with the cavalry in front, moved directly after daylight to meet him. We went into line on a ridge in the open prairie with him doing the same at the foot of the hill. We thus masked our infantry

and artillery until they were in line, when we moved to the right and left flanks and the first battle of the war was on!

No doubt this was to the great surprise of Sigel, who from the long line confronting him must have thought the spy had intentionally deceived him and like Santa Ana in the Mexican War, he "prepared to commence" running, which was hastened by our cavalry moving and quickly flanking him on the right and left, where we hung to him in his flight all day and into the night. He was forced through Carthage and out on the Springfield road, leaving his company in Neosho to its fate. That company however, which had been busy preparing the celebration dinner, had been captured the day before by a regiment of Arkansas cavalry who ate with hearty appetites. His troops were well drilled and well armed, while most of our men knew nothing of drilling and were very poorly armed, or he never would have reached Carthage without surrendering. His ability was demonstrated for retreating and was displayed on other occasions before and afterwards.

The next and a very severe battle for the numbers engaged was fought at Wilson's Creek, ten miles from Springfield, on the 10th day of the following August, followed by the three days' battle of Lexington fought on the 18th, 19th, and 20th days of September, 1861, resulting in the surrender of General Mulligan and thirty-five hundred men to General Price. Our retreat south as it was reported by the Ordnance Department, was due to the fact at the close of the battle there were only five rounds of ammunition to the man in our army and besides, there was great danger of being intercepted by Fremont's army in St. Louis and a large force from Kansas.

Our reaching Cassville, near the Arkansas line without molestation, with two railroads from St. Louis ex-

tending well out to the West in the State, has always seemed to me as one of the many great military blunders of somebody on the Union side. In this battle my company and regiment first supported Guibor's battery in the cross street near the jail and in the afternoon of the first day, when the Anderson house or hospital was retaken by the Union soldiers, we were ordered over to help retake it. After doing so, and finding ourselves placed at the spring and on the river side and within one hundred yards of the breastworks (the cotton bales at the battle of New Orleans being remembered), we rolled many hemp bales up the steep hill with which we formed a line of breastworks on the south side of the hospital and along the garden fence, being thereby aided in holding that position and keeping the enemy from water until the close of the battle.

A matter of business at home connected with my father's estate, who had died the year before, directly after our removal from Kansas, required my presence there and the enlistment of my company having expired, it was mustered out and I went home for a few days' stay. On the eve of returning to the Army an old school-mate named Romulus (or Black) Triplett, whose father's farm adjoined mine and another young man named Gabriel Close, who were two of Si Gordon's men and had left with him for the army, returned and stopped at my house after nightfall. It was surrounded during the night and we were made prisoners and taken to the county seat one mile away and guarded in the Court House, the finest in the State outside of St. Louis, where I had officiated in the Circuit Clerk's office.

That night the business part of the town opposite the Court House and the latter were set on fire by the soldiers and destroyed. We were taken out on the street just as the roof fell in. Here we found the greater part of a regiment of infantry and Rabbe's Indiana bat-

tery drawn up, with Colonel mounted and greatly excited as though he were seeing and was about to engage an army of "Johnnies." An order from him in his excited state to shoot us would not have surprised me in the least. The next day he marched out through the country a few miles and back through town, camping at a farm nearby on the road to Weston.

During that day's march, while realizing that we were in the power of a man who imagined he saw an enemy behind every tree in the woods and on the spur of the moment was liable to have us shot, we could not help being amused when at short intervals the roll of the drums would be heard drawing the attention of the women and children at farmhouses to the Colonel and his staff, as Gordon and his men and several other companies had left the county and were then nearing Price's army. The idea of that brilliant military genius in attempting to accomplish anything with infantry, and a battery of artillery against the men who had marched away and who could have easily kept out of his way if they so desired, was afterwards repeated by the Government in dealing with the Indians. This took place in what is now Wyoming, after the volunteer regiments of cavalry were mustered out in 1865 and 1866, when infantry only could be found at military posts with the Indians in possession of all the surrounding country.

Directly after nightfall, while we were seated on a log of wood at a camp fire, an armed squad appeared stating they wanted two of us. Not being certain as to which two, they called for an officer who came and placing his hand on Triplett and Close, said they were the two and they were marched away and taken down the road about a mile and a half to the Bee Creek battleground, where Major Josephs and the boys who had just left for the army had had fight a few weeks before. There Triplett was shot and killed and Close would evidently have

escaped had he not been hampered by mud. He jumped into the creek and was coolly bayoneted to death. The next morning, when I was taken to where Triplett was lying with his head against a large sycamore tree, I noticed that he was but a few feet from the road which had been struck by a cannon ball from Josephs' battery in the fight mentioned in which Triplett and Close had been engaged.

Upon reaching Weston I was paroled by the Major of the regiment with the privilege of the town limits. A friend having a good swift horse begged me to mount and escape and I could have easily done so, but I had given my word. That night when the Colonel arrived, he ordered me into the Guard House with a number of farmer prisoners who had never been near the Southern Army. He threatened to have me shot unless I was exchanged for Captain Rabbe of Rabbe's Indiana battery, telling my wife this when she came to see me two or three days afterwards. Lieutenant Rabbe then in command of the battery being ordered back to Fort Leavenworth, demanded that I be turned over to him and I was taken over there and paroled by him not to leave his quarters.

After our supper his father, the paroled captain, came in and while shaking my hand, said, "You are not the man I expected to see. He is a tall auburn-haired boy who saved my life very recently when Si Gordon captured Captains Moonlight, White and myself on the train at Weston and sent us with Black Triplett, your brother and two or three others as guards to the camp of Captain Carr several miles in the country. On the way Triplett, while riding by my side with his revolver in hand, raised it and would have killed me for I saw murder in his eye, if your brother had not knocked the pistol up, the bullet going through my hat." He said, "You can not shoot a prisoner if I can help it." In re-

lating this, tears stood in his eyes and he said if you and I are exchanged, when you reach the army you tell him, if he should become a prisoner to let me know that I may aid him.

Then I knew what in part had caused the killing of Triplett and Close and why I did not share the same fate. In contrast with Captain Rabbe's honoring his parole, Moonlight, who was Governor of Wyoming during Cleveland's first administration, broke his and thereby came near getting Major Morin, a prominent farmer and a neighbor of ours killed by Triplett and Gordon.

Next morning Lieutenant Rabbe, in reporting to General Hunter, was asked if he did not have a prisoner from across the river in his quarters, and upon getting a reply in the affirmative, he was directed to place me in the dirty guard house or take me back and turn me over to the tender mercies of the valiant Colonel, who by his course was driving many men to the Southern Army who never would have left home. That day I was escorted back where I remained four weeks in the guard house with bricks being thrown through the windows nearly every night. One guard who died with smallpox a few days afterwards, attempted to bayonet me. He would have accomplished this too, if I had not seized and turned the bayonet aside and then held on until one of the prisoners called another guard.

During that time the Major was placed under arrest, and the Colonel placed the Lieutenant Colonel under arrest for refusing to obey his order to burn all farmhouses for three miles in one section of the country. Then the Colonel was removed and soon after died on Island Number Ten, and the Captain of Company A was in command of the regiment until Colonel Madison Miller of St. Louis assumed command. Before his arrival, however, Captain Rabbe came over to see me about

the exchange and finding that I had never been paroled as he had been and that I was still in the guard house, he threatened to resign if I were not paroled at once.

My parole was ordered and I went home with bitter feeling in my heart, to await the exchange papers which finally came. I was placed in the list of recruiting officers who worked through many parts of the State during the war, keeping with others, thirty or forty thousand militia and home guards busy who, however, could not prevent our recruiting for the Southern Army.

CHAPTER XI

THE FIGHTS AT CAMDEN POINT, AT THE WIDOW CONDROW'S HOUSE AND OTHER THRILLING EVENTS

IN the fall of 1863, I was joined by Colonel John H. Winston and John C. C. (or Coon) Thornton, who insisted upon attempting to recruit a regiment in my county and three or four other adjoining counties.

In view of this, couriers were dispatched to Price's army, then in Southern Arkansas, four hundred miles away to ascertain if he intended to make a raid through Missouri during the following year. Two or three of them returned the following spring (one or two being killed), with word that the raid would be made late in the summer or early in the fall of 1864, if conditions at that time were favorable. Men were quietly enlisted and instructed to attend to their business until the proper time for action.

During the spring of 1864, the fact of our presence in the country became known to Paw Paw militia and to troops in St. Joseph and a troop of cavalry was sent from there to capture us if possible as the militia had failed to do so. Realizing the danger, I had seldom appeared at home during all my recruiting work, often being out of the county and on the south side of the Missouri River. At one particular time, however, having reached home after leaving my horse at Winston's, my wife sent an old colored man to a neighbor's on an errand and she went to town a mile away. While writing a communication with my uniform coat, revolvers and hat on a table the colored man came in and said

he had met two men in the road who were dressed as citizens and who inquired if he knew me and the two colonels. He thought I had better get out of the house as it had no back door.

In a few minutes a large faithful colored woman came in badly frightened and said the fence in front of the house was lined with soldiers dismounting. My coat, hat and revolvers were on in an instant and she was directed to lead the way out on the side porch in full view of about sixty of the enemy. When she turned I was at her side with two soldiers sneaking up on the house and not more than thirty yards away. When she reached the side of the porch I stepped down and slipped along the side of the house and was immediately running with my revolvers in hand down the hill into the timber believing that death was near, and expecting every second to hear the familiar whistle of bullets. Strange to relate, not a soldier saw me while I saw every one of them and the two so near the house never knew how close they were to death. They closely searched the house even to the attic, but I was again safe and attempting to get word to Winston, my old Colonel. Unfortunately my courier reached him a few minutes too late as they charged the house, captured him and he was kept a prisoner at Alton, Illinois, until some time after the close of the war.

Not long after this, Captain Felteh Taylor with twenty-five or thirty men appeared in Clay and Platte counties and a number of young men who felt unsafe at home began to congregate in squads, thus endangering our plans for reaching the raid in force when near enough. Taylor was induced to keep as quiet as possible, which he did and everything went well until some of the old obnoxious militia, who made life a burden to many of the oldest and best citizens, and who for that and other reasons had been mustered out, took it upon

themselves to hunt and find Taylor. It was to their sorrow as he charged and cut them to pieces.

This was soon followed by a Company from St. Joseph, catching three of the young men in the house of Major Bradley, one of my nearest neighbors, three of whose boys were then with us because it was unsafe to stay at home. The boys whose names are now forgotten fought their way out and nearly through an open woods pasture before two of them were killed, the other escaping. Two others coming upon the scene accidentally as the firing commenced, were also killed. This caused Thornton, who was in an adjoining county, to concentrate the small force we had and against my protest and that of one prominent old farmer, prepare to take our county seat, which we did, remaining there two or three days and then marching to Camden Point, eight miles north with about three hundred men we had recruited, to wait for another company.

Being Acting Adjutant and close to him I urged an immediate attempt to cross the river and reach the army if possible, as unforeseen circumstances had brought about our precarious condition and there would be several weeks before the raid if undertaken could reach striking distance. The second night after reaching Camden Point, it being the 16th day of July, 1864, a courier from near Kansas City, a small village at that time, came into camp and reported a large force of the enemy crossing the river, instead of which they were coming up the river on boats to attack our camp. He detailed and ordered all of our men except about one hundred to go down after them.

To this I again protested, urging that the command be kept together, but they marched on in a light rain and were many miles away in the afternoon of the next day when we (with the horses belonging to about 20 of our men, loose in the pasture) were surprised by the

Second Colorado Cavalry, the Colorado Battery and Jennison's regiment of Kansas Cavalry. We were soon routed, losing several men killed and wounded but fighting long enough to enable all of the men on foot to escape.

Mrs. Vina Whitlaw, Mrs. Doctor Hollingsworth, Mrs. Polly Marsh, Mrs. Sallie Calvert, Miss Jennie Spratt and my wife made as near a Confederate flag as they could with the material at hand, at the house of William Spratt and presented it to us while we were in Platte City. Most of the material was fine white flannel taken from the lining of my wife's wedding dress, the two red bars being simply red borders on each side, as red material of sufficient width could not be procured. The field or "Battle" flag part was all white. In the fight the color bearer and his horse were killed and fell on the flag within a few feet of me and it was lost, being captured by Captain West's company "F" of the Second Colorado and returned to and presented by him to me personally in Lincoln Hall, Denver, Colorado, in the presence of a large number of Union and Confederate veterans November 11th, 1905, forty-one years after its capture.¹

¹ November 11, 1905, at a meeting of the "Blue and the Grey, Forty-nine Years After," at Old Lincoln Hall, Denver, Colorado, Major W. L. Kuykendall gave an interesting history of Col. J. C. Thornton's command during the Civil War, and incidents leading up to the loss of the Confederate flag. Major Kuykendall was late adjutant of Colonel Thornton's battalion of Missouri troops. The Blue and the Grey meeting was characteristic of the broad vision of the old soldiers whose frontier lives in the wild days of the early West, had made them tolerant and magnanimous.

The Confederate flag was returned to its former defenders at this unique meeting, over which Col. Robert S. Roe presided, by Captain George West, who gave a history of the campaign and incidents leading up to the capture of the flag. Captain West was captain of F Troop, 2nd Colorado Cavalry, in

It is said that the first Confederate monument ever dedicated was the one erected over the graves of the men or boys we lost in that engagement. The next day the command was reunited and we moved into Clay County. Near the line between it and Ray County at the house of the widow Condrow we came upon Captain Moses and his company of the Second Colorado. Captain Taylor being our advance guard, charged and routed them at once before our main body reached the ground, capturing more than half their horses and Car-bines, which more than evened up the Camden Point affair, so far as fighting was concerned. The details of the marching and fighting through several counties and final crossing of the Missouri River I will not relate here.

Having early tasted of the bitter fruit of imprisonment as a prisoner of war twice, I had determined never to undergo it again if it could be helped, even unto death. The risks run and my miraculous escapes on many occasions will be better understood by relating one as an example. Four of us after securing breakfast at a house in Jackson County on our way from the South one morning were surprised by a regiment of cavalry, and to get away had to run three or four hundred yards across a wheat stubble field and parallel with the regiment in line which opened fire and kept it up even after all of us save one had gained the timber. Hundreds of shots were fired, one striking Billy Fossen in the

the early sixties. He actually presented Major Kuykendall with the Confederate flag which had been defended so valiantly and loyally forty-nine years before in a losing fight.

At this meeting C. S. Thomas, who was then Governor of Colorado, made an address in behalf of the Confederate veterans, and Lieutenant William Wise of the 2nd Colorado responded for the Federal veterans. Another interesting feature was the rendering of both Federal and Confederate airs by Colonel Wallace's G. A. R. Veteran Drum Corps.

back of the head as he jumped the fence, killing him instantly. No doubt bullets can be plowed up in that field to this day.

With all the tragedy, there was some comedy. For instance, one of the jokes of that strenuous time was on some officers of the 16th Illinois Cavalry stationed in my county during the fall and winter of 1864. In some manner they got it into their heads to guard my house all through the cold nights of that winter, supposedly for the purpose of catching and killing me. When I heard of this after the war had closed I certainly would have written, thanking them, if I had known who they were, for the protection they afforded my family from forays of Kansas Redlegs and other pretended Home guards who had plundered the house several times during war.

Should this meet the eyes of any of that regiment who frosted their toes in their meritorious service, I here express to them my sincerest and most profound thanks for a duty well performed and yet it is to laugh even to this day to think that any veteran officer would guard a Confederate officer's house during a cold winter while the latter was sleeping cozily between his blankets far away. If the Confederate officer had been in the county anywhere he could have easily communicated with his family at all times and arranged to meet them if necessary without going near his home and the whole regiment could not have prevented it.

The people were nearly altogether Southern in their sympathies and had known me from the time I was a small boy and I knew them and their farms and the roads all over the county and I also knew every man who was looked upon with doubt even on farms, several of the latter having been saved by me from death. Under all circumstances it was certainly a great joke on those officers who thought they could catch me in that

way after my narrow escape from the house only a few months before.

The patience, enthusiasm, loyalty and heroism of the women, girls and boys of the North and South during the awful trying four years of that war is probably unparalleled in the annals of history. Some of the latter became old enough to get in as soldiers during its closing scenes, while Southern women aided materially in many ways. Numbers of them were imprisoned by the Militia in the Border States, my old mother being arrested and taken to St. Joseph, *where she requested to be booked as a prisoner of war*, and my wife only escaped imprisonment by getting out of the county temporarily on one occasion.

A few women and girls bought revolvers, ammunition and other supplies for us. My wife, who had a sister living in Leavenworth, would visit her and procure revolvers and ammunition and sometimes get valuable information. It took nerve to do such work but she and others engaged in it did not seem to think it at all out of the way, as they coolly performed such and other risky work which, if caught, meant imprisonment and possible deportation through the lines South, especially towards the close of the war.

After the war, Thornton went to Montana, where he died a few years ago and I came to Colorado in 1865 nearly penniless and virtually in rags. For a short time I labored with my hands to get a financial start under adverse conditions, as business in every branch was very quiet. In looking back over that and the preceding four years of wild adventures and hairbreadth escapes, I am impressed with the belief that the protecting arm of the Supreme Ruler of the Universe preserved my life for some useful purpose. This may have been for the purpose of making additional history and assisting as a pioneer in laying the foundation of two more States

(Dakota and Wyoming), located on the then Great American Desert, which Webster, it is said, declared was absolutely valueless. Tom Benton, the great Missourian, through expeditions of his son-in-law (Fremont) and his advocacy of a great trans-continental railway demonstrated his abounding faith in the future of the supposed desert country now comprised within the boundaries of several of the best and grandest States of our country.

CHAPTER XII

SNOWBOUND IN SOUTHWESTERN DAKOTA. HOW TO CATCH TROUT. RANGE TAXES AND THE PLAGUE OF THE FLYING GRASSHOPPERS

IN November, 1865, I went to Fort Collins, Colorado, then a large military post where part of two or three volunteer cavalry regiments were stationed. They were there to engage in hauling Government corn to Fort Halleck at the foot of Elk Mountain, one of the great landmarks of Wyoming and at the time of writing the site of the ranch of Mike Quasley, one of the pioneers of the West.

At that time nearly all of what is now Wyoming was in Dakota. A few settlers had located in Northern Colorado, on the low bottoms along the South Platte and other streams north of Denver. Chaffee, one or two others now forgotten, Ranger Jones and Sherwood, the latter a County Commissioner, were the only settlers on the Cache-a-la-Poudre River below Fort Collins at that time (as now remembered).

The First Colorado, Eleventh Ohio, Twenty-first New York and the Seventh or Eighth Michigan were stationed at Posts in Northern Colorado and Forts Laramie and Halleck and in camps along the Oregon trail or Emigrant road up the North Platte River and the Sweetwater and along the Overland Stage road east and west of Fort Halleck, while the Indians ranged freely all over the country north of the Poudre until the Union Pacific Railroad was constructed.

The story was often repeated that on one occasion the

settlers missing some stock, organized a party and followed the Indians, Ranger Jones being mounted on a mule. The Indians greatly outnumbering the whites they turned and fled with the Red Skins in pursuit, leaving Ranger yelling "Hold on, boys; don't leave me." Very soon the mule scented the odor of the Indians, and neither spurs nor quirt were longer necessary. He soon passed the others with Ranger crying, "Come on, boys, or they will get you." Happily they all escaped.

At La Porte, three miles up the river from the Fort there lived a number of Canadian Frenchmen who had Squaws for wives. Camped nearby was old Friday, with his little band of friendly Arapahoes, and here for the first time I met the Pioneer E. W. Whitcomb, afterward prominent in Wyoming affairs. J. R. Whitehead and his partner, who had a large bull or ox train, contracted to transport one hundred thousand pounds of corn to Fort Halleck and engaged myself and another man with our teams to aid in the work. On the first day out we arrived and camped at the Park Station of the Overland stage line in the beginning of one of the worst blizzards ever experienced in that section. We did not move for several weeks and it was several days before a coach passed either way. Here my feet and those two other men were pretty badly frozen.

That blizzard has ever been remembered by me. And more especially it must be remembered by a man named Christian, the owner of a train, who lost all his cattle through the foolishness of his herder. This herder while out with the stock at Medicine Bow River after the train had unloaded at Fort Halleck found two arrows and sticking them through his hat and coat ran into camp, reporting his narrow escape from Indians. The wagon master without investigation hurried back to the Fort and the soldiers lost no time in getting to the search

but found no trace of Indians. Several soldiers were severely frosted and this so enraged the officer in command that he arrested the herder and wagon master and conveyed them to the Fort, where the former confessed his story was a fake.

The commanding officer seeing a blizzard looming up released them, ordering the wagon master to lose no time in getting to and moving the train out of the foot hills to Rock Creek without stopping. He had moved only five or six miles to Wagon Houn when the snow drifted all over the wagons, burying them for some time out of sight. The cattle drifted away, furnishing fine beef for the Indians the following summer, the owner being thus ruined financially through the action of a smart Alec.

Colonel Collins of the Eleventh Ohio was caught in that blizzard on the road from Fort Laramie to Fort Halleck near the same place. They all came near perishing, finally reaching Fort Halleck with a number of men so badly frozen that they lost parts of their hands and feet by amputation. The remains of a few who perished were found the following June after the snow drifts had disappeared.

Herman Haas, John C. Friend, Levi Ashenfelter and Captain Brown, the grandfather of Mrs. Gerald Hughes of Denver, were members of the Collins or Eleventh Ohio regiment and the only members of that regiment as now remembered who returned and became citizens of Wyoming after their discharge. Friend is, at the time of writing, a Justice of the Peace in Rawlins, Wyoming. The others are dead. He, Haas and myself served in the Legislature together.

After the contract to transport the Government corn was completed in the early spring of 1866 and while camped near the Ranch of Phil Mandel and the Overland Stage Station on the Little Laramie River, I be-

came part owner and Wagon Master of the train. A few nights afterwards the giant form of Bob Tate, a boyhood friend whom I had not seen for many years, appeared. He wanted me to go with him to the Poudre and he would teach me how to catch trout. As a boy he was great at catching catfish and he related how he became a famous fisherman for trout in California. Seeing men bring into their mining camp fine strings of that fish he prepared himself with a pole as near our fine sycamores as possible, sharpened the large end the old fashioned way, procured a carpenter's chalking line, a large fishhook, a large leaden sinker and beef for bait.

Thus arrayed in ample form for catfish as a catcher of trout, he wended his way up the river, until finding a suitable place he pushed the sharp end of the pole into the gravel bank, allowing it to extend out over the water at an angle of forty-five degrees (the Missouri regulation style for catfish), whirled the baited hook into the stream, sat down and waited for a bite. Finally he noticed a man up the stream behind some rocks on the opposite side slip his pole over and pull out a fine trout. He quietly moved opposite and with his usual catfish formula cast his hunk of beef upon the water, the noise from which attracted the man's attention, who in a rage wanted to know what he was doing.

Bob said he was fishing for trout.

The man said, "The hell you are," and asked where he was from.

Bob said, "From Missouri."

"I thought so, begad," said the old fisherman—laughing in spite of himself. Bob, realizing that something was radically wrong with his trout education and that his cart load of fish would not materialize that day or that way, wanted to know how the old man caught them.

"With a fly," said the fisherman, and being a true Missourian Bob replied, "Show me."

He waded across the water, was shown and became one of the most expert trout fishermen in the West. He is clearly entitled to the medal for coining the expression, "You will have to show me." But fishing is not the only thing he became famous for. He is a veteran of the Mexican War and a Pioneer of California and Colorado.

While we were snowbound at Park Station a notice was received from the county authorities that a county tax under territorial law must be paid for ranging our cattle on the public domain—Government or Indian land, whether for a few days or a longer period. We protested on the ground that we were in the service of the Government, aiding in keeping the soldiers in the field against the Indians, that the county government might continue to exist and settlers be safe instead of becoming fugitives. We finally compromised by paying half the tax.

A. H. Reel, afterwards prominent in Cheyenne and Wyoming affairs, had parked his train for the winter, built a log house and turned his cattle loose on the same range near La Porte. He set up the plea that he was a settler and a citizen of the county and escaped paying the range tax but the joke was on him when he started to move in the Spring, as they had him on the general ad valorem tax, which he had to pay.

At that time there were probably not one hundred settlers in the whole of Larimer and Weld counties of Colorado. It may be possible that this range law was discovered by Sparks of the Cleveland administration and also Pinchot and made the basis for the policy of the latter, forcing our stock men of the mountain States to pay range tax besides their other taxes on the same stock, something never heard of or imposed upon the settlers in the middle western States or in Iowa, Missouri, Kansas and Nebraska. Certainly Colorado was

the first and probably the only Territory or State that adopted a law compelling men passing through the Territory to pay a tax on the open range, and then to pay for the grass their stock ate or ranged over, and this in face of the fact that the Indians were liable to run the stock off any day, the payment of the tax being no protection against that.

In 1864, billions of flying grasshoppers or Egyptian locusts came over the snowy range from Utah, millions perishing in the snow near the present location of Georgetown. I often read about them but never dreamed that they were equipped with four wings and could fly long distances, their appearance in such numbers darkening the sun. Their advent was a revelation to me, as they evidently were to an old ex-Judge from Pennsylvania on his way to Colorado whom I happened to meet in Omaha and who wanted to know why we did not settle them, as one could easily do with bees when swarming, by ringing bells, beating tin pans, blowing horns and making other hideous noises. He seemed greatly amused when I said the noise would only be an invitation for them to eat up everything green in sight. They were not the regular Hopper but the four winged Egyptian Locust.

CHAPTER XIII

THE INDIAN RAID ALONG THE OVERLAND STAGE ROAD

DURING the summer of 1865 a large force of Indians appeared on the Overland Stage road at the crossing of Foote Creek about twenty miles southeast of Fort Halleck. Robert Foote, better known as "Uncle Bobby," now a resident of Johnson County, Wyoming, had a little store at the crossing of that creek. In getting away he was wounded and his store burned. What followed is best told as related by a man whose name is forgotten, who in describing the occurrence to me soon afterwards cried like a child at the recollection of the scene.

He said: "Our emigrant party of thirty-five men, women and children, returning from the West in wagons, passed Foote's store just before the Indians appeared. When we reached Rock Creek the train moved on, while I and two other men on horseback stopped at a tent in which a Frenchman had a few goods. His wife was a Sioux squaw. She very soon ran into the tent, greatly excited. We all ran to the door and saw the Indians near at hand. They would have killed us at once but for the protestations of the squaw and the Frenchman that the soldiers would come down from Fort Halleck and kill them. We were directed to mount, take the road and we would not be killed before reaching the train. The Indians believed they would soon overtake and kill us and our families. In anguish of mind we moved down the road a little in advance of the main body, with a few of the young Bucks surrounding and making life miserable for us.

"In going over a hill about three miles south of Rock Creek we met a wagon and saw another at the foot of the hill. The driver shot one of the Indians and was immediately killed. Their stopping to plunder that wagon gave us an opportunity to forge ahead. In the rear wagon was the owner and with him his wife, two daughters aged ten and sixteen respectively, and a son thirteen years old. He and the boy crawled out behind and running down a dry gulch escaped, the man being shot through the arm. The woman and girls got out of the wagon and, believing we belonged with the Indians, begged us to save them.

"The Indians having finished plundering the other wagon killed the mother and the youngest girl in our presence. While the plundering of that wagon was in progress we gained some distance ahead and on reaching the top of the next hill were gladdened with the sight of a large Bull train being hurriedly corralled not far away, the wagon master thoroughly understanding his business.

"He arrested us, believing we belonged with the Indians, there being many reports at that time that white men were leading them. Our explanation that we belonged with the emigrant train which he said was camped at a Quaking Asp and willow grove under the hill convinced him and he sent a few men with us to get our wives and children into his corral, where he was preparing to stand off the several hundred Sioux then in sight. The train was finally surrounded and when in range of the Bullwhackers' guns the Indians kept up their yelling and shooting at long range, being careful to keep out of reach of any bullet until night-fall, when they drew off and disappeared to give their leader, who it was claimed was the wily Red Cloud, time to prepare a plan for an ambush.

"We moved with the train early next morning,

stopped and buried the three mutilated bodies and removed the remains of the burned wagons out of the road. Directly after reaching Rock Creek about fifty Indians appeared on a hill across and north of the creek, having a white woman (unknown to us) with them, whom they treated in a fiendish manner in plain view of all of us. This so enraged the men of our emigrant party that we started to go over and attack them, when the wagon master drew his revolver and said he would shoot the first man who attempted to leave the corral.

"We charged him with cowardice and he replied that we were the greatest pack of fools he had ever met on the plains. He wanted to know if we had any idea, as he had, of where all the other Indians were located and added that it was well he was present to save the train and lives of our women and children. When the Indian Chief found he had a man as wily as himself to deal with, he hurriedly moved out of the willows across the creek where he had secreted his men, called off those on the hill and silently stole away. We saw them no more. They turned the woman loose because she had gone crazy and she managed to reach the train in a pitiful condition but was unable to give any account of herself."

That was not the first nor the last case of a man being charged with cowardice because he understood the Indian, his ways and manner of fighting. I have known men like those emigrants who were as ignorant as they of the Indian and his ways, who if they had not been restrained would have brought destruction upon themselves and everybody connected with them.

In commenting on this affair and many other cases as well, it may be said that people were often killed through their own carelessness or recklessness. For instance, I believe that the three killed, as just related, would have arrived safely at their destination, if the

father and husband had remained with the bull train when he overtook it—at least until reaching Fort Halleck, only twenty-five miles away. His other daughter, treated for by the Government and released away down on the Arkansas River eighteen months afterwards, would not have witnessed the killing of her mother and little sister nor would she have been subjected to the horrible treatment she underwent while a captive.

Such a man as that wagon master who understood the Indian when on the war path, has saved many emigrants and “would be” Indian fighters from destruction by refusing to accede to their demands. It is safe to say if he had been in command when Red Cloud set his trap, into which Major Fetterman fell, there would be now no monument to mark the spot where he and his whole command of nearly one hundred men were massacred December 22, 1866.

The Indians moved south on the road. At Seven Mile Creek a detail of nine men under Sergeant Cooley of the First Colorado Cavalry escorting two Government wagons loaded with supplies saw them coming over the hill. William Crout, deceased, late of the North Platte Valley, and young Wheeler, who worked for us, claimed to be two of the nine. The latter said the sergeant turned at once, ordering the drivers to keep close together and not run their mules. The Indians soon came near enough and the firing commenced, frightening the mules, who ran away, leaving the road. One quit his team and the other, Private Baker, a Michigan soldier, went to his death.

The Indians, as usual, ran after the wagons bent on plunder. The other soldier was quickly mounted behind a comrade and the race for Mandel's Station was on. Several times when closely pressed, the Sergeant would halt, fight, and give the horses a little time to recover their wind. He made his last stand immediately

after crossing the Little Laramie River, where he was killed. The others all lost their heads, broke ranks, each racing for himself, and the Indians would probably have got them all but for Mandel and others running out of the Station and driving them off.

A day or two afterward one or two companies of soldiers arrived and found both wagons burned, with a wagon tire across the charred head and feet of the Michigan soldier. He had evidently been chained to the wagon wheel and burned by piling bacon around him. The soldiers trailed the Indians into a cañon not far away, where they were feasting on Mandel's cattle.

After fighting sometime the Indians escaped. Mandel conceived the idea that the coast was clear enough to attempt the gathering of some of his cattle and with that purpose in view rode out some distance, was discovered and pursued but escaped by running his horse full speed down the steep hill at the crossing of the river, a feat which equaled if it did not surpass Putnam's escape from the British down the stone steps during the war of the Revolution.

Another man having his wife and mother-in-law in the wagon passed La Porte, where he was informed that he was risking their lives by not waiting for other emigrants. He was one of the fellows who was "not afraid Indians would molest him, all he would have to do would be to say How, How, to them and that would settle it." That did settle it and him in a very different way, however. About twenty young Bucks met him near the top of the hill about seven miles from Mandel's. They did not give him any time to present his pipe of peace but shot him, the bullet striking his head and ripping the scalp open for several inches, causing him to fall out over the wagon wheel, apparently dead. The mother-in-law was dragged out, killed and scalped.

Just then the Coach with a guard of soldiers on top

came over the turn of the hill not far away, the wife was quickly mounted behind a Buck and the Indians ran away. The man, however, had only been stunned, and he quickly jumped up and attracted the attention of those on the coach as it turned to go back to Big Laramie River. He was taken on and thus escaped.

I have heard him tell the story as related several times and he never seemed rational when describing how they caught the old mother-in-law by the ankle, pulled her out of the wagon and killed her. He would laugh as though it were a great joke. He was probably not very sound mentally before being shot or he would have heeded the advice offered at La Porte. I never heard of the fate of the wife whose capture and savage treatment was far worse than instant death. The little bunch of Bucks running one way and the guarded coach the other never looked good to me and clearly demonstrated a want of sand on the part of both Indians and whites.

At Virginia Dale (the finest Home Station on the Overland Stage line, and Salde's headquarters while superintendent) Al Huston, a Missourian, and Jim Enos, an Illinoisian, were stationed as hunters for the line. Huston secured a transfer to Big Laramie, as he said the Indian signs became too fresh and plentiful for him—with timber and brush and rocks everywhere to hide them.

Two or three days after his transfer, Enos killed an antelope or two some distance from the station. While packing them on a pony he was attacked, but escaped with two arrows sticking in him. Doctor Finfrock, a Surgeon at Fort Collins who years afterward lived in Laramie, hurried to his relief and after examination pulled one arrow and told him to give a list of his effects and the disposition he wished made of same, for he could not live more than a few days with the arrow in him and he would die instantly if it were withdrawn.

The list was quickly prepared and when completed Enos said, "Doc, pull it quick; no lingering death and prolonged suffering for me." He died instantly when it was withdrawn. Thus went another hero to his reward, a brave man who was aiding in wresting the country from brutal savages who would not peaceably settle down alongside of the white man nor allow him an abiding place in peace and safety to himself and family. It was just another hero gone who had aided in facilitating business between the people of the Atlantic and Pacific coast states in preparing the way for the construction of the Union Pacific Railway.

It was currently reported at the time that the Indians on more than one occasion approached the station under cover of the trees, brush and rocks near enough to fire on it, becoming more and more bold as they tried it again and again. When one of the defenders, knowing their fear of artillery, lashed a joint of stove pipe to the axle of an old buckboard which he backed out of the barn and pointed in the direction of a bunch of mounted bucks, they at once stampeded for cover and were seen no more in that immediate vicinity.

Finally, after the main body of Indians had finished up Mandel's cattle and finding soldiers everywhere, they silently slipped away to the north to their villages where they could safely hold their war dances and wave the fresh scalps they had secured during that raid. Other pathetic and tragic incidents now forgotten occurred during that raid. Those mentioned were related to me by participants very soon after they occurred and while we stood on the spot of ground which had been reddened with the blood of the victim in nearly every case, the memory of which remains so indelibly fixed that I can point out the near vicinity of each historical event related in this chapter.

CHAPTER XIV

THE LOCATION OF FORT SAUNDERS NEAR THE PRESENT CITY OF LARAMIE

DURING the early spring of 1866, while our camp was at Mandel's, the Fort Saunders military reservation was surveyed and Colonel Howard, chief quartermaster at Denver, advertised for bids for the delivery of wood at each of the military Posts in the District. We put in a bid in my name and I was the lowest bidder by one cent on the cord for two thousand cords. The next lowest bidder entered a protest on the ground that I had been an officer in the rebel army and should not be awarded the contract. Colonel Howard sent for me and wanted to know if such was the fact. I said it was, that I was then a loyal citizen, believed the war was over, at least had not heard the whistle of a civil war bullet for more than a year and for that reason supposed it had ended. I explained that besides all that I had the cattle, wagons and all necessary material to fill the contract without any subletting, whilst the protester did not even own a buckboard or any other kind of a vehicle.

The Colonel awarded me the contract, which was approved in Washington, entailing a loss of several weeks. On the 5th of July we reached the ground and there was not a soldier in sight or a marker placed to indicate the location of the Fort. Only one train load of wood had to be moved about three hundred yards when the location was made and I remain of the opinion that it marked the best spot for the Post. Major Mizner of the 18th Infantry, with part of that regiment and part of

either the 5th or 6th Galvanized volunteers without any Cavalry, had been detailed to build the fort and to gradually remove the army stores from Forts Collins and Halleck, which were soon after abandoned.

He soon discovered that the soldiers were getting whiskey somewhere and suspecting Jimmie Ferris, who had been a member of the First Colorado and who had a road house at the Big Laramie Overland Stage crossing, he had him arrested. I persuaded him to release Jimmie and another suspected man and to return to them their whiskey and other property he had seized. In a short time soldiers were again found drunk, Ferris alone being the guilty party. Captain Ferris of the Galvanized regiment was sent to arrest him and confiscate his property—which he did. While loading the wagon Jimmie requested and was given permission to cross the river and round up horses he claimed to have over the hill. The Captain rode over with him to the Overland Home Station, where he was informed the horses were a myth.

Mounting his horse he gave chase, and tried to halt the unarmed runaway, finally reaching over and seizing the bridle rein, exposing his revolver to the quick hand of Jimmie, who pressed it against him with the remark "to let go and return to the Fort," as he was going on.

Hearing that Jimmie had sent young Wheeler (who had worked for me) to locate a road house at the Overland crossing of Seven Mile Creek, the Major sent soldiers there, who failing to find him were about to return, when one of them kicked a wagon box which was upside down and found Jimmie under it. He arrested him and Wheeler and, loading up everything, returned to the Fort, where the miscreants were both placed in irons and kept in the Guard house for a long time. Jimmie Ferris was afterward well known in Cheyenne.

The harsh exercise of military authority caused the Legislature of Dakota at its session the winter of 1866

to provide for the organization of Laramie County, which included all of what is now Wyoming east of the Continental Divide. Hinman, Hopkins and myself were named as County Commissioners. We did not organize the county, for in the spring of 1867 there were not more than two hundred civilians all told and not a real settler in what is now Wyoming (unless Phil Mandel could be classed as such), very few having any property not exempt from taxation. The most potent reason, however, was our getting together somewhere on account of the Indians, as we were widely separated from each other. This was the first attempt to organize a county in what is now Wyoming.

During the summer of 1866, while keeping the wood train moving and in company with an old Mexican, I cut hay wherever found outside of and near the Fort reservation. While camped near two dairymen on the then future town site of Laramie, I rode down the river one morning about daylight hunting more hay ground. When near where the "Bath Brewery" now stands I saw a few Indians down the river, and turned barely in time on the run for camp. The shooting was at too long range and seeing they could not gain on me or cut me off the Indians turned and fled east to the hills.

A man named Chamberlin living near La Porte had recently built a small log house for a store on the Pole Creek Emigrant road at the Big Laramie River crossing about half way between our camp and the Fort. He had a few goods to sell to emigrants and leaving two men (one a Mexican) he returned home, thereby saving himself, for a night or two afterwards twenty or thirty Indians appeared and killed, scalped and horribly mutilated both men.

I urged the Major to mount some of his men and go after them, offering to go along as I believed we could find their camp either on Horse Creek or the Sybille.

He declined on the ground that he had no saddles and could not spare any men from work on the buildings. A few days afterward the owner of a large mule train camped for dinner on Pole Creek near the old Camp Wallback, afterwards Lannan's Ranch. Here the Indians "ran off" all his mules. Soldiers had to go over and haul the wagons in with Government horses and mules and thus another man was ruined or badly crippled financially.

Sometime prior to this, several important events happened in and around Fort Halleck. It was said that Mr. Jenks, father-in-law of Luke Voorhees, both pioneers in Dakota and Wyoming, while at dinner on his way from Montana had his saddle bags, in which there was eleven or twelve thousand dollars in gold dust, stolen. This he never recovered. Several suspects were arrested and one young fellow not much more than a boy was hung up but finally released, there being no evidence against him.

For an attempted crime by a negro, the report was brought in that he was killed and skinned and the hide tacked on the side of a building. This report was never contradicted.

During the latter part of the war, in the Western and Mountain States many amusing stories were told around camp fires and elsewhere (as true, and no doubt they were, in many cases) as to how the Government was swindled by a collusion between contractors and now and then by a venal officer to the grand detriment of the service. One story related to large ricks of supposed hay at a certain fort which consisted of sage brush and willows with a light coating of hay to cover and hide the swindle. The contractor in this is well remembered.

Long ago a non-resident of Colorado, not satisfied with getting a little something for nothing had the Quartermaster stand at the corner of each rick while he walked

away beyond the other end and then called the number of feet, thus doubling the swindle. In another case it was said that many mules died at a fort and yet no one ever saw a dead one except the one dragged out of the corral in the morning and back late at night. Of course a good mule disappeared every night the dead one was dragged back. It was said that this was repeated so often and became such an open joke that one of the Post jokers suggested that they had better get another dead mule with hair on, as all the hair had been dragged off their dummy and it certainly would not pass inspection in case of an investigation.

On the 9th, 10th and 11th days of May, 1866, there was one of the worst snowstorms ever experienced in Colorado and Wyoming at that time of the year. When it was over it was more than knee deep on the level everywhere, with drifts in many places six and eight feet deep. No man dared to leave a house or tent while it raged. I have seen nothing like it at that time of the year from that day to the present time.

CHAPTER XV

THE FETTERMAN AND OTHER MASSACRES. KILLINGS AND ESCAPES

PRIOR to the Indian raid on the Overland Stage road a military cantonment was established on the old Oregon trail or Emigrant road near where it crossed the North Platte River for the last time and near the present town of Casper. Report has it that a large party of Cheyenne Indians attacked an Emigrant train near the crossing. Lieutenant Casper Collins of the Eleventh Ohio Cavalry, son of the Colonel of that regiment, was ordered to their relief with twenty-five or thirty men. He was soon fighting a heavy force of Indians and he and nearly if not all the men were killed. This was the second massacre of any considerable number of soldiers in what is now the State of Wyoming.

Through conversation with Hugh Kirkendall and others, and from a letter of his published after his arrival in Montana in 1866 the following story was gathered together. It is a correct account of what befell him and his party on the Bozeman road, leaving out much of a personal nature which it is best at this late day not to incorporate in this account.

During the spring of that year he arrived at Fort Laramie on his way to Montana. He was the owner of a large train heavily loaded with his own goods and material which was about all of his worldly possessions. He was detained by the commanding officer, until the regulation number of men and wagons arrived, as was customary at that time. The question of continuing on the Oregon trail with slight danger but far greater dis-

tance or by the shorter and dangerous Powder River or Bozeman road was discussed and the latter was selected and Hugh was elected Captain. When they reached Brown's Springs, between the North Platte and Powder Rivers, the Indians appeared in strong force and fighting commenced, which continued every day with a large and continual increase in the number of the latter.

When about forty miles from Fort Phil Kearney and not far from the present location of the town of Buffalo it seemed the whole fighting force of the Indians was present and the fighting lasted all day, not a wheel being turned. The Indians charged the train time and again coming to close quarters, but were repulsed, it was believed, with heavy loss. The men fought desperately, several being killed and wounded. Not realizing how badly the Indians were whipped and that their ammunition had probably run low, Hugh sent a man that night to the Fort for aid, which never came, although the man reached there safely. Next morning a few Indians could be seen on hills, all out of range, however, and he moved early and carefully, reaching the Fort the next day, having only to repulse a few weak attacks.

His account of what occurred upon his arrival and camping near there will not be inserted here, as he gave a full account of it in a Montana paper. They arrived without further trouble. The failure to send soldiers to his relief may seem to many as either a cowardly or heartless act. It was very probably neither. The fact is, from a western viewpoint, the establishment of the Powder River road and Forts Reno, Phil Kearney and C. F. Smith was radically wrong unless the Government intended to place enough Infantry at each to hold them, with a large force of Cavalry sufficient to protect emigrant trains and to make quick work of all Indians on the war path.

If such were intended it was a signal failure, for the officers in command were not given enough Infantry to more than safely protect the Forts without furnishing any such protection to emigrants or accomplish anything against the Indians, no matter how willing they may have been to do both. The fact is, the few soldiers at each Fort were virtually bottled up, with the Indians often galloping around on the hills nearby and like Goliath of old, defying them in an insulting manner. One day, it was related, three or four of them ventured close enough to Fort Phil Kearney for a shell out of a mountain howitzer to reach them, the second one striking and killing one Indian and his pony. This broke up their daily pastime of heaping insults on our Government.

We of that day realized then as now that great pressure against adequate military protection was brought to bear on every administration by people and great organizations, who, if they ever knew, had forgotten that their own section of the country had to be reclaimed from Indians in the same manner. Nearly a continuous cemetery existed for more than two hundred miles along the old Oregon trail alone in what is now Wyoming. There rest the remains of men, women and children killed by the Sioux, Arapahoe and Cheyenne Indians.

At Washington they seemed to know nothing of the Indian except the Cooper novel variety, and the Government was hampered for years by retarded settlements in Wyoming. I believe this caused the removal of Colonel Connor because when the Forts named were being established he found and wiped out a camp of bad Indians on Tongue River, as he did the Snake Indians in Utah. Whether or not the same people and organizations in the East were factors in having those Forts abandoned on demand of the Indians who were on the

war path and whether they were responsible for the humiliating and disgraceful fact that they were so abandoned is a question which will probably always remain unsolved. The abandonment was succeeded by years of fighting and the loss of many lives and a great amount of property.

As the story was told at the time, it appears that on the 22nd day of December, 1866, the wood train at Fort Phil Kearney while returning from the hills was fired upon by a few Indians, the fire being returned, attracting attention at the Fort. Major Fetterman hurried out with about ninety soldiers and two scouts. On his reaching the ground the Indians fell back slowly over the hill, with Fetterman following, the train reaching the Fort safely.

Red Cloud had his ambush of five hundred Indians placed, into which Fetterman and his men marched. Being surrounded they evidently made two stands, for nearly all the bodies were found pretty close together at two places a short distance apart. The scouts reached a pile of large rocks and fought from there until killed, not a man escaping.

Portuguese Phillips, a citizen, afterwards well known in Cheyenne, volunteered and carried the news over the long distance to Fort Laramie. No effort worthy the name was made to punish the Indians and place them upon a small well defined reservation or at an established agency under restraint, as had been done in the case of other powerful tribes who had gone on the war path.

The failure to act aggressively with a sufficient force to accomplish results caused the Indians to continue their desultory warfare for ten or twelve years after, the lives of many citizens and soldiers being lost, much property destroyed and settlement placed out of the question during all those years in three-fourths of the then Territory of Wyoming.

In the fall of 1866 my wife with our two little boys, John M. and Harry I., crossed the plains in wagons from Leavenworth, Kansas, to Denver, Colorado, then a small town. The risk was great and near one of the Forts a large band of Indians attempted to cross the river but were warned to go back. Some of them started to ford when a shell from a howitzer struck the water near them. They turned and as they reached the bank another exploded nearby and they stampeded across the bottom to the hills.

My wife brought a few cattle which furnished the first foundation for her cattle brand which was among the first used in Southwest Dakota and the first one placed on record in the County Clerk's office in Cheyenne or in what is now Wyoming. Along with many other anxieties of that tedious and tiresome trip, her sister, Mrs. J. R. Whitehead, died at the Ranch of Billy Lee, afterward a Justice of the Peace in Cheyenne.

This devolved upon my wife the care of four other children, whom she raised as our own, and all of whom save the oldest are still living and highly respected in the cities where they reside. The family remained in Denver until December, 1867, when we removed to Cheyenne, living there until the spring of 1891.

CHAPTER XVI

INDIAN TROUBLES CONNECTED WITH THE CONSTRUCTION OF THE UNION PACIFIC RAILROAD. THE BIRTH OF CHEYENNE

ABOUT the time of the Fetterman massacre the Union Pacific Railroad was completed to North Platte City in Nebraska and it became evident that construction would be rapidly pushed on westward. Hearing that a town-site would be established by the railroad company at the crossing of Crow Creek during the spring or summer of 1867 and believing from the location that it would be a permanent and important place, I moved our train in April of that year to a point not far from the present Granite Cañon Station.

Here we were engaged in getting out railroad ties, and hewing house logs and other timbers. Green grass was early and luxuriant in May and with it came twenty or thirty Buck Indians on mischief bent. Carmichael, with a heavy force of men to blast rock out of the way at the Cañon so there would be no delay when the tracklayers reached that point, arrived and commenced work. I parked our train near his camp as a matter of mutual protection to his and our stock.

Having business in Denver and wishing to visit my family I rode down and on my return stopped over night in Fort Collins in Mason and Allen's store with young Fackler, who was in charge of Reed and Whitehead's herd of cattle on Lone Pine Creek. He appeared uneasy about the Indians and thought they would surely

get me on the long lonely road to my camp, the prospect of reaching which seemed doubtful.

Our road was the same for a mile or more when we shook hands for the last time and parted. On the Overland road near the top of the hill about seven miles north of La Porte an Indian's head followed by six others bobbed up in the road ahead of me. In a moment I was on the ground with my gun across the saddle. A yell that they were friendly Arapahoes was heard with relief, and I responded by directing one of them to ride down. A look of inspection was satisfactory and the others came down. When we parted they warned me to look out for the other Indians, as they had seen their trail.

About the time this occurred young Fackler was being killed by the raiding band over the hill only a short distance away. Without another exciting adventure I reached Whitcomb's Tepee at the crossing of Bos Elder Creek on the Fort Laramie trail. It seemed miraculous that I had missed the raiders, as they had raided Whitcomb's corral about daylight that morning and had run off three of his horses. Then they had crossed the road I had come over and passing into the hills a few hours later had encountered and killed young Fackler. Remaining with Whitcomb until night I moved out on the lonely ride over the trail and reached camp early next day.

About this time railroad civil engineers were moving along the railroad line correcting the preliminary survey and cross sectioning their work. One of them named Hill with Archer, the company auditor, and a small squad of soldiers camped near where Hillsdale Station is now located. Early next morning the soldiers moved out over a hill near by and as Hill and Archer were mounting, the Indians ran into them and killed the former. The latter's horse threw him and the soldiers,

hearing the firing, ran back in time to save him. His hair in that moment of agony turned white. I have met a few men who doubted that such a thing could happen. I saw him a few days before and directly afterwards and know the change occurred as he stated.

The fact that this miracle may happen is also corroborated in the case of P. B. Danielson, a brother-in-law of Mark and John Coad, all old timers on the Platte and in Wyoming. They said that during the great Indian raid along the Platte in 1864, Danielson went out one morning to get an antelope. When some distance from the roadhouse the Indians discovered and pursued him so closely at times that he never could quite understand why they did not get him. His hair was white when he reached the Ranch. Archer and Hillsdale, the first two railroad stations east of Cheyenne, are named after the two main members of this sketch to perpetuate their memory.

Missing a steer one morning I rode out to hunt him. While riding up a deep wash or gulch I heard an Indian shouting, and reaching a large pile of rocks I discovered him standing on a rock on the next hill. I rode out in the open, thinking to get a shot, but the distance was too great and he rolled off the rock and out of sight too quick for such work, evidently afraid of the gun which "fired to-day and killed to-morrow." No time was lost in getting back to camp. Luckily the herder had found the steer and prevented an Indian feast.

Our cook was an old Mexican who brought our dinners to where we were working with our guns and revolvers on stumps near at hand. One day, after starting back to camp, he came running back yelling, "Muncha Indios, Muncha Indios." Instantly the five of us with guns in hand were down behind logs, the cook falling over and hugging another log nearly in a

state of collapse. Waiting a few minutes and not seeing or hearing them I walked out and saw about twenty Indians then out of range going like the wind.

Seeing the Mexican's head disappear in the timber, quickly followed by his yells and by chopping, they evidently changed their plan of sneaking up while we were working. The Mexican reached the edge of the timber at the critical moment and that is probably all that saved us from being killed, scalped and otherwise mutilated.

A few days after this, two companies of Major Frank North's Pawnee scouts arrived to guard the Carmichael camp and escort the engineers to and fro along the railroad line. They made a mistake at Pine Bluffs by following the Pole Creek Emigrant road to old Camp Wallack, where they surprised a small camp of raiders, killing and scalping two or three of them. They followed the Fort Laramie trail south from where they were seen by Carmichael's herder and when some distance away from his camp he and our herder called to me saying they saw a large number of mounted men.

Hurrying my horse to the top of the hill, I saw from their movements that they were Indians. We shipped the cattle into the corral and rode towards them. When within gunshot we halted and those in the lead of the other party did likewise, two of them riding out in our direction. One of them was a white man and Captain of one of North's companies. That night they held a war dance over the fresh scalps. This was a revelation to Carmichael's men.

Hearing that the engineers had arrived and were preparing to survey the townsite of Cheyenne, I loaded the train with logs and unloaded them on that site which has since become famous, laying the foundation for the Whitehead Building, across the alley from the Dyer Hotel. It is one of the most noted landmarks now stand-

ing in Cheyenne as it was the City Hall of the Provisional City Government which held sway over the destinies of that place during the first nine turbulent months of its existence.

The next trip down we camped very near where Otto Station is located. I could not shake off the feeling that Indians were near at hand and very hungry and therefore used the usual precautions to save the stock from being stampeded. The dog would rush up the hill barking and return very uneasy, and there was no sleep for me. His activity and the appearance of the large corral no doubt prevented a sneaking attack by the savages.

At daylight we moved for the first water hole near the present Borie Junction for breakfast. Very soon we met a company of Pawnees escorting Seymour and Hurd, two of the engineers, to Granite Cañon, where about sunrise the raiders had slipped away with eight Government mules. They swung around the hill crossing my wagon trail ahead and in sight of the Pawnees who, leaving the engineers alone, immediately went after them yelling and shooting. The engineers managed to reach Carmichaels safely.

It was a sight worth seeing, to witness those inveterate Indian enemies fighting as they did, but it was soon over, as the raiders were outnumbered and poorly armed so had to leave the mules to get away.

No doubt we would have been compelled to corral and fight if the Pawnees had not happened along at the opportune moment. The afternoon before, a raiding band attacked a small emigrant train a few miles north of our night camp, but they were driven off, one man dying of wounds the next morning as the train crossed the creek in the townsite. He was the first person buried in the first cemetery of Cheyenne.

CHAPTER XVII

JULESBURG AND THE CHILDHOOD OF CHEYENNE

THE Union Pacific Railroad was completed to Julesburg, Nebraska, in the spring of 1867. That terminus was named after the old town of that name on the south side of the South Platte River which in turn derived its name from a man named Jules, who shot Slade and whom the latter killed. This really was the main factor in causing the hanging of Slade in Montana years after, when the Vigilantes had a regular hanging "Bee" of bad men. Slade was in no manner connected with the crime and would have escaped but for his getting drunk, riding into saloons, and shooting out windows and lights. When that killing of years before was recalled, he met his fate.

Men close to him, while he was superintendent of the Overland Stage line, on both the Oregon trail road and that which went through Denver, have related stories of his marvelous courage in many cases of robbers and thieves along both roads. These desperate characters he put out of business with a strong hand or ran them out of the country. The curse of drink branded him finally and he lost the superintendency. His inebriety during the excitement of a general hanging of bad men was his undoing and he was hanged on general principles and not for any crime committed in Montana.

The old town was also made famous on account of the hard fight between Captain N. J. O'Brien and his company and a heavy force of Indians in their great raid of 1864 along the South Platte River. Several of

the Captain's men were killed and wounded. The new town having been rendered accessible by the railroad, there came a large number of bad men and women and also many good reliable citizens. Gambling and dance houses were plentiful and the plucking of tenderfeet easy.

A city government was established with Captain N. J. O'Brien as City Marshal and Judge Cook as Police Justice. Shooting scrapes and holdups were common. Even the Marshal did not escape a bullet. It was fired by Charley Martin and he has never entirely recovered from its effects. It may be said that it was really the first of the bad towns which had their day during the building of that road. Most of them, however, were of the mushroom character.

Business at Julesburg was brisk and it seemed as if it would develop into a permanent and prosperous place, but the onward march of railway construction and the birth of Cheyenne soon dispelled the hopes of its most sanguine boosters. It soon became a memory and for years, until the Julesburg branch to Denver was completed, it was nearly deserted. It is now a town of considerable note whose citizens are peaceful, law abiding and industrious. The old Julesburg had an unsavory reputation second to none along the line of the Union Pacific during its construction.

As a sample of conditions and court proceedings, it was related as a fact and never denied that during the height of the "go as you please" style of doing things a man and a woman appeared before the Police Justice to be married. He spliced them in short order with his blessing. A few days afterward the woman rushed into his office wanting a divorce. After stating her grounds, Judge Cook said she was clearly entitled to a decree and as he had tied the knot, he would assume jurisdiction and untie it by granting the divorce. This beats

the South Dakota and Nevada quick method of separating two hearts that should beat as one.

The restless denizens of the place with little or nothing binding them to any given locality and bent on keeping up with construction as it progressed, without a thought of becoming builders of the vast New Empire and being constitutionally opposed to labor and firm in the belief that the world owed them a living, folded their tents and hurried to Cheyenne, the Magic City of the Plains.

The foundation of this city had been laid by men of stability who had remained long enough in Julesburg to realize conditions there and who knew that Cheyenne would be the railroad terminus during the following winter. Their number was greatly augmented by several hundred reliable, law abiding people from Colorado. Emigrants and owners of bull and mule trains who had centered there believing that its location insured its permanency as a business point of importance.

Therefore, when the first installment of human birds of prey arrived they found a Provisional City Government, backed by stout hearts and willing hands. Early in July, 1867, without color of law, we held an election for city officers consisting of a mayor, board of aldermen, city marshal, two police justices having extraordinary jurisdiction in civil and criminal cases and a judge of the Superior Court designated as a court of appeals with final trial jurisdiction in civil cases of certain character. As I remember, the officers elected were H. M. Hook, Mayor; Ed. Melanger, Marshal; James N. Slaughter and Lorrimer, Police Justices and W. H. Miller, formerly of my county in Missouri, Judge of the Superior Court.

A code of ordinances was adopted and added to from time to time to fit all phases of cases arising during the nine or ten months of its existence. It also provided for fees, fines, licenses and other schemes for raising revenue to support the Government and courts.

It was estimated that during the winter of 1867, Cheyenne had a population of six thousand from nearly every country on earth. Many were dangerous characters. Gambling, dance houses and other resorts were run wide open and six or eight policemen kept order, not hesitating for a moment to make arrests and execute all mandates of the courts. The mayor and aldermen knew full well that they had the backing of an invisible force of one hundred and fifty well organized, resolute men known as Vigilantes and if need be of the military force at Fort D. A. Russell nearby, which had been located when the town was staked off.

In April, 1868, this Provisional Government, conducted as it was under all the forms of the laws of Dakota, without any legal existence thereunder gave way to a city government established under a charter secured through the efforts of J. R. Whitehead and granted by the Legislature of Dakota. Under this Colonel Luke Murrin was elected mayor.

Some of the first houses erected were composed of the logs I had hewed, notably the Whitehead Building in which the Vigilance committee was organized. In here, with the upper story one large room, could be seen nearly every day two Police Courts and the Superior Court in session. I did nearly all the work in erecting that building. It has escaped two or three nearby fires, seemingly being spared as a landmark of the trying scenes under which Cheyenne was ushered in.

Owing to its marvelous growth, Cheyenne soon became known far and wide as the "Magic City of the Plains." Houses were erected by day and by night. Sometimes for two or three days there was not a break in the sharp sound of the hammers.

Soon after the Provisional Government was organized, about seventy-five men including myself were sworn in as special or reserve police and instructed to be ready

to support the regular force on short notice. It developed that a feud existed between Pat Mullally and other men, generated probably by bad whiskey. Pat was arrested, charged with making threats, bound over to keep the peace and admonished by the Justice who had known him for years down on the Platte River to keep away from the other party. That night in company with a woman, he went to the house of the enemy and shooting commenced.

In a moment scores of men were running to the place and were quickly on the ground to support the police. Many shots were fired. Seeing a man struggling on the floor of the kitchen, I and another man rushed in and turning him over discovered that it was Mullally who gave a gasp or two without speaking and died. Others found a man named Wall in one of the front rooms and arrested him for the killing. One woman was shot through the wrist and "Slim Jim" was found dead in a pile of logs nearby.

The prisoner was placed in a house across the street against which we lined up. A rapidly increasing force of Mullally's friends in front demanded the prisoner. Mayor Hook, seeing a general fight was imminent, sent a man to Camp Carlin for soldiers who soon arrived and we were relieved of the pressure instantly, the mob scattering in every direction. Later in the night the house where the killing occurred was set on fire and burned to the ground.

This affair was the critical point which in great measure demonstrated that law and order although administered without legal authority, would be upheld. A night or two afterwards, a meeting of the special police force was held in the City Hall and it was then that a vigilance committee was organized, after a few of us who declined to quit, the special police for that purpose, had retired from the room by request and with the good will of those with whom we had served.

CHAPTER XVIII

THE VIGILANCE COMMITTEE. ORGANIZATION OF CITY AND COUNTY GOVERNMENT AND SCHOOL DISTRICT

AN attempt was made to have Hinman and Hopkins meet with me in time to organize the county and provide for the election of county officers at the regular time as provided by the laws of Dakota. Certain influences were brought to bear upon them, however, and they refused to act. Then a provisional election was provided for under Squatter Sovereignty Law, and quite an exciting campaign ensued, the election being held at the time designated by law and a full set of county officers was elected but never qualified or assumed their duties. I was elected Judge of Probate and J. R. Whitehead was elected to the Legislature at Yankton, but was not seated, A. G. Turner, because of political bias, being seated in his stead.

Whitehead, however, remained through the session and was mainly if not altogether, instrumental in formulating all bills having reference to the section of territory comprised within the unorganized county of Laramie. During that session of 1867, the Legislature of Dakota granted a charter for Cheyenne and passed another bill for the organization of Laramie County, the western boundary of which extended to Separation or the Continental Divide west of Rawlins, being about half of what is now Wyoming. The other half was designated as Carter County in honor of Colonel Carter, the post trader at Fort Bridger.

In that bill or law, as in the case of all new counties,

appeared the names of all the county officers who during the spring of 1868 organized Laramie County with Cheyenne as the county seat, and I thus became the first legal as well as provisional Judge of Probate of the county and assumed my duties as such.

About the same time, the first school district was organized by the election of S. M. Preshaw, James Piper and myself as directors. A small school house had been erected the fall before by M. A. Arnold, the money therefor being raised by subscription and through money advanced by the Ware Bank managed by Posey S. Wilson. Thus we assumed the school indebtedness and made an addition to the building, retaining Arnold and his wife as teachers. This, the first legal school house erected in what is now Wyoming, was located on the southwest corner of the block on which the present Post-office building is located. We served as directors without pay.

Two hook and ladder fire companies had been formed. One disbanded and the other being in bad condition was reorganized with myself as foreman, a position I retained eight years or until I went to the Black Hills as a pioneer to help wrest that country from the Indians. During those years I was Chief of the Department one year. The foundation for Cheyenne's present fire department was laid by and mainly at the physical and pecuniary expense of the members of the old volunteer Pioneer Hook and Ladder Company, finally aided by the Alert and J. T. Clark Hose Companies, many members of which never owned any property to be endangered by fire. Its record was an enviable one and its history from the organization to its being legislated out of existence is a story within itself. Its few old members in Cheyenne are entitled to all the compliments a grateful people could extend.

During the winter of 1867, owing to the Vigilantes,

many a character whose conscience was far from spotless, hied himself to Dale Creek beyond the end of the railroad track. Here was built a town of rough logs, called Dale City. It was however, within the jurisdiction of the Cheyenne Vigilantes, who appeared one night and taking five of its denizens to a tree hanged three of them to the limbs releasing one hardened old sinner owing to his extreme age and another on account of his extreme youth.

Next day those two appeared before me and represented that one of the men who had been hanged, left some property and money to the young man, and the old man wanted to administer on the estate and apparently turn it over to the young fellow. Having no legal authority to act at that time, and knowing him and the young fellow, the latter being remembered as one of our "Bullwhackers" when we helped build Fort Saunders in 1866, I refused to act, warning them not to allow the sun to go down with them in Cheyenne as they would probably not see it rise again if they did.

After lecturing the young man and getting his promise to take the first train for Baltimore that afternoon to return to his good old mother whose fine letters he had submitted to me at Fort Saunders, they departed, the old man to die with his boots on at Bear River City soon afterwards. The young man probably went home as I never saw or heard of him afterward. The experience of being pulled up to the limb of a tree two or three times with a rope around his neck may have proved his salvation.

Cheyenne was heralded all over our country as the worst town on the line of the Union Pacific while it was being constructed, when the fact is, only two men were hanged in the city by Vigilantes, very few men were killed and robbery was nearly an unknown quantity all owing to the Provisional Government, Vigilantes and a

strong element of reputable business men and other law abiding citizens who needed no law to govern their actions.

Its numerous dance and gambling houses with the promiscuous use of revolvers, which in many cases was only intended to make a noise and impress a tenderfoot with the idea that bad men were the rule and not the exception, mainly caused its wild reputation and in most cases where real shooting to kill occurred, the aim of the shooters was very poor or the whisky awful bad.

One man was hanged at Camp Carlin by parties unknown, supposedly for stealing Government mules, and two men were found one bright day marching to and fro on Sixteenth Street until eight o'clock A. M. each with a sandwich placard with a warning placed thereon by the Vigilantes, and they did not dare stop their promenading until that hour. They both became fairly good citizens thereafter as long as they remained, for it was not safe to do otherwise. This also had something to do in restraining the lawless element.

During the spring of 1868, two men camped on the Creek in the original townsite and near where the Hammond Packing House now stands. One morning one of them went after the horses which had strayed away and when nearing camp with them a small marauding band of Indians intercepted and shot him with arrows, seeing which his partner ran into town and gave the alarm. A party of men brought him to the first hospital in the town located where the telephone office building now stands. He soon died.

A company of cavalry from Fort Russell started after the Indians, but never sighted them for the well known reason that a small body of mounted men, especially where they know the country, can get over it faster than a larger one moving with military precision. Those Indians and practical cavalymen knew this fact, to be

the main difficulty in dealing with and punishing small bands of twenty or thirty Indians and yet prominent men believed drilled cavalry should overhaul and suppress Indians easily. Men of experience knew better.

Probably few, if any of those who have become residents of Wyoming since the trying times when men were uncertain every morning as to their fate during the day, ever wondering whether or not the scalp lock would be on their heads or dangling on the belt of some Indian buck before the sun went down, can realize the feeling of the few men, women and children who were engaged in laying the foundation for the State while surrounded by such environment.

Lumber being a prime necessity in starting a town, I went with the train to Mason and Allen's sawmill above La Porte and transported a large quantity to the new marked townsite marking a good road across the prairie going and coming. This was traveled for years afterwards if not to the present time. My business trips also marked the road on the south side of Crow Creek to Anthony's sawmill in the same manner, this road being used for years, Anthony's being the first mill located on that creek. That mill was taken to the South Pass country in 1869, during the gold excitement where it was an important factor in the improvement of that country.

CHAPTER XIX

LARAMIE CITY, FORT STEELE, BENTON, RAWLINS, GREEN RIVER, BEAR RIVER CITY AND FIRST REGULAR ELECTION

LARAMIE CITY was staked off early in 1868 and was soon a thriving place, a number of people going there from Cheyenne and the population of Dale City moving there en masse. Fort Steele, at the Railroad crossing of the North Platte River, was located about the same time, thus barring out the building of a town at that crossing and compelling the migratory element who had been keeping ahead of road construction to lay off and build up a temporary town mainly of tents, outside of the military reservation on an alkali flat and two or three miles west of the fort which they called Benton. Then followed Rawlins, located early during the fall, virtually the traffic end of the road during the winter of 1868.

To Laramie there early flocked from Cheyenne and elsewhere much flotsam and jetsam of humanity, men and women with unsavory records, evading the law, restless under its restraints, and with no thought of helping to create a permanent home. Along with them, however, were many good men and true. This better element became actual residents in sufficient numbers to furnish the leaven, resulting at an early date in an eviction of the undesirables. Laramie, after the event, bore the reputation for some time of being the great moral town of the territory and was selected as such for our State University.

During the first few months of its existence, great

numbers of men engaged in making and hauling railroad ties and grading received their pay there and many of them were easy prey for the disreputable holdup men who became so bold it was hard for them to wait for the shades of night to engage in robbing the unwary pedestrian on the main business streets or the man who had been communing too long with the flowing bowl. With all that, there was more or less shooting and killing until finally it became unsafe to go upon the streets or to live with safety in a house near certain of the resorts for fear of being intentionally or accidentally shot, beaten up or robbed.

It was this condition that culminated in the uprising of the better element, and a riot ensued one night ending in the hanging of five men and the general stampede in every direction of all the others between midnight and daybreak. Among the latter was Sam Dugan, who soon thereafter was hanged with Musgrove on the Blake Street bridge over Cherry Creek in Denver, Colorado. He should have met that fate in the fall of 1867, for killing a thirteen-year-old defenseless boy near Granite Cañon, who was keeping camp for a gang of graders.

The boy would not admit that it was Pat Mullally's hay camp which was four miles away, and this insistence so angered Dugan that he shot him dead. My first acquaintance with Musgrove was in the spring of 1866, near Jim Baker's Toll Bridge on Clear Creek on the Overland Stage Road near Denver, when he camped near our train for some time. He came there with two of the Government camels no doubt taken from the Yuma or Mohave Desert. An Englishman killed one of them believing it was an elk and had to pay a good round sum of money for his mistake, besides enduring the ridicule he received.

In 1868 the United States Marshal arrested and brought Musgrove before me in Cheyenne, as I was then

United States Commissioner, charging him with being the leader in stealing Government mules from Fort Saunders. I sent him to the guard house at Fort Russell for safe keeping until the witnesses could appear. From there he either escaped or was spirited off to Denver for the express purpose of hanging him with Dugan. The latter cried and begged and had to be pushed off the bridge while Musgrove, cursed the hangmen to the last, jumped off and breaking his neck, died instantly.

The town of Benton for the time it was in existence, was probably nearer a repetition of Sodom and Gomorrah than any other place in America. Killings, shootings, gambling, robberies were daily events, and dance houses were kept going by night and day. Crime was a pastime with many of its people. There was no semblance of a government of any kind and no vigilance committee to deal out justice to malefactors. It was too far away for the sheriff to do anything without bankrupting the county as it would have kept half a dozen deputies, besides a number of guards busy arresting and transporting prisoners to Cheyenne without any jail there in which to keep them.

Only a few holes in the ground, the remains of blacksmiths' forges and the cemetery on the hill where the mortal remains of those who died with their boots on are at rest, marks the spot where two thousand turbulent people once congregated. The place was in the height of its infamous career when I visited it in the political campaign of 1868, as every candidate had to do, if he expected to be elected to an office in Laramie County. In fact the three or four candidates for delegate to Congress from Yankton or that neighborhood saw Benton in full blast, as it held a numerical vote that might decide which of them should go to Washington.

Rawlins in great measure escaped an influx of the real undesirables for the reason of its close proximity to

Benton and because it became evident the construction of the Union Pacific Railroad would be pushed to completion and connection with the Central Pacific early in 1869, thus leaving only a few months for them to revel in excitement and to pluck the unwary workers whose labor was constructing the road and whose weakness for everything connected with the Bright Lights made them easy marks for holdup schemes of all kinds.

Therefore to be at the right point for fleecing the pilgrims again and nearly for the last time, they folded the Benton tents and shipped them to Green River City, located near the Overland Stage crossing of Green River and to Bear River City. A few adobe walls and ruins of houses in the former, mark grave stones of departed hopes which died when the Railroad Company established the present townsite of Green River adjoining the other, making it an important point on that system. Little if anything remains to mark the location of Bear River City. Here the lawless vultures made their last stand in what is now Wyoming and a fight ensued between them and a few resolute reputable men, in which it was reported that several bad men were killed and wounded, settling the question of who should rule.

The first regular election for county officer of Laramie County, Dakota, was held in October, 1868. The Railroad had just been completed to Rawlins which was only a town of tents located on the south side of the railroad track. Laramie City and Benton were about at the turning point so far as the undesirable element was concerned and political campaigning along the road to Rawlins was no joke. It was a thing never forgotten by those participating.

Being a candidate for Judge of Probate Court, I started in at Laramie, stopping with several friends in a storeroom across the street from a dance and gambling house. After supper I started alone to interview the

voters around town, my friends protesting that it was not safe, none of them venturing out. The first place I entered was the dance house or "Lion's Den" across the street, one of the proprietors being a friend of boyhood days—a good boy who had gone astray.

Immediately the wheels of the establishment stopped at the call of the proprietors and the votes of everybody in the house were pledged. Messengers were sent to all other houses of like character, notifying the proprietors of my visit and requesting that no harm should come to me. The games and dancing were resumed.

Then it was that I privately appealed to the proprietor of the "Lion's Den" to sell his interest in the establishment and return to his old father and mother, respected and honored as they were by everybody in the county where we were raised, picturing to him the early ending of his life along with the others in the house. In reply, he said with a momentary show of emotion, no doubt caused by the thoughts of his old parents grieving over his wild career, that he would gladly follow my advice but there was something to prevent. He added he would go to his end like a brave man, and he did, not long afterwards.

After going the rounds, and returning to my friends, I found them all up and waiting for me as there seemed to be no sleeping quarters. There was a bunk against the wall on the dance house side which they said I could use, but would not advise it, calling attention to the lights from lamps showing through bullet holes in the wall everywhere. They begged me to sleep with them in their bullet proof apartment consisting of sacks of flour piled one upon another in the center of the store inside of which they had their beds. I slept, however, on the bunk, as I had never seen cannon balls strike twice exactly in the same place and therefore felt safe.

Directly after retiring, several pistol shots were heard and the voice of a woman seemingly under the influence of whiskey, shouted, "Sam Dugan, you shall not hold up this man," to which it seemed no attention was paid. Probably they divided the proceeds as she was a noted character around Fort Saunders before the advent of the railroad. At Benton and Rawlins friends of other days appeared, and made campaigning easy for me as at Laramie, resulting in my election by a large majority. Few if any candidates ever knew that such friendships of other days and far different environment were the main factors in causing the result.

Two or three years after Laramie had in great measure become a moral town, a would-be bad man loaded with bad whiskey boarded one of the passenger trains and flourishing a revolver wanted to know if there was a Kentuckian in that car as he wanted to whip one awful bad. A tall raw boned man rose and said he was from Crab Orchard, Kentucky, and was there to answer for the State. Seizing the warrior, he wrenched the revolver from him and bouncing him to the platform, kicked him off as the train moved, throwing the revolver after him, the bystanders yelling and laughing at the bluffer.

To remove erroneous impressions from the minds of readers regarding the Wyoming of the present day, as distinguished from the rough condition of affairs as they existed during the building of the Union Pacific Railroad, the fact may be stated that upon the completion of that road a very large majority, if not nearly all of the bad and undesirable element sought other fields to ply their vocation leaving the law abiding builders of the Western Empire to mold the destiny of the State morally, socially and financially. From that day to this, peaceful and law abiding conditions have been equally

as prevalent as in any other State, while the words "Wild and Woolly West" so far as lawlessness is concerned has no application to Wyoming any more than to any other State.

CHAPTER XX

THE FIRST LEGISLATIVE ASSEMBLY OF WYOMING PASSES FIRST WOMAN SUFFRAGE BILL

CONGRESS segregated the geographical territory now comprised in the State of Wyoming, by passing a special enabling act for a body politic under that name, in which the laws of Dakota were continued in force until a Legislature could be convened and adopt a code of laws.

The administration unmindful of the fact that its party had abundant material of able men, actual residents of the Territory well qualified for the offices, was prevailed upon to ignore our people and sent us men from the East who came early in 1869 with a commission in one hand and a carpet-bag in the other. Hence they were called carpet baggers and interlopers, resulting in more or less immediate friction and whilst their personal standing morally and socially in most cases was good, they failed to secure the confidence of our people and especially of the men of their party, except in a few isolated cases where they really became residents. From the very first the issue was one of Home Rule against carpet-bagism.

The Democrats were quick to adopt and use the latter phrase as their slogan and under it they were victorious at nearly every election for years or until actual resident Republicans were appointed, and were filling nearly all the Government offices. This was the case when Grover Cleveland came in as President. Imme-

diately our work of years was changed, under protest, and carpet baggers were in the saddle again with a bad fitting shoe on the Democratic foot, as many of that party would not stultify themselves.

To the credit of two of his appointees, they cast their lot with our people and became actual residents whilst all the others, like most of their Republican prototypes, left the Territory within a few days after their removal, never to return, showing that they, like the men who drifted with the building of the railroad, were only human vultures flying over the spot where they could find meat and then on to other feeding places.

Soon after the arrival of our first officials in 1869, Governor Campbell divided the Territory into Legislative districts, and issued his proclamation for an election at which a delegate to Congress and members of the Legislature were elected. S. F. Nuckolls, a Democrat, was elected as the delegate and each legislator in both houses was a member of that party in face of the fact that all the regular soldiers at the forts were permitted to vote under a bad legal opinion given by a certain carpet-bag official. The Territorial Council met over the Postoffice located where the Post Bank Building now stands and the House met west of and near the Tivoli Building. Two or three inches of sawdust served as a carpet. The Secretary of the Territory undertook to organize the house but failed.

William Herrick, better known as "Uncle John," was elected Speaker pro-tem. Very soon a member made a motion which the Speaker declared carried after putting the affirmative but not the negative side. The point of order was raised that the result was improperly declared for failure to put the negative. He declared the point of order not well taken for the reason that they were all Democrats and on that account the adoption of the motion as declared would stand. And it did! The

subject matter was too trivial to appeal from the ruling, but the members were quick in getting the permanent Speaker in the chair. The Republicans considered it a great joke and used it generally.

Uncle John's seat being next the railing near the stove, he often changed his chair so that he would bake the soles of his feet by placing them on the railing. One day some question in which he was interested came up, when without changing the chair, he was recognized by the Speaker. At the close of his speech, he sat down heavily in the sawdust, shaking the house and destroying the dignity and proper decorum of that Body. Being a heavyweight, he was aided to arise when he declared in very forcible but not elegant language that he could and would whip the man who moved his chair. Then all semblance of order was lost, even the Speaker laughing while vigorously using the gavel to restrain the bedlam which had broken loose. Under such conditions the House adjourned to see a man around the corner whom Uncle John often interviewed in a social bibulous way. Many believed that his colleague, Louis Miller, one of the greatest practical jokers in the Territory, moved the chair.

This Legislature passed the first woman suffrage bill to become a law anywhere in the United States. The House passed it by one majority with one opponent absent. Several members voted for it, as they claimed that it would be an advertisement for the Territory. Thus a movement was inaugurated really as a joke which has become a potent factor in the government of eleven States and the Territory of Alaska. Most of the members voting for it were transients, having no pecuniary or other interests in the Territory and who never returned to their constituents or soon quit the country, never to return. Thus was started a movement which will probably culminate in women being enfranchised in

every State of our country, whether man desires it or not. Perhaps our women always have and always will influence and control affairs while making us men believe that we do.

After passing a general election law and providing for the organization of five counties, the Legislature discovered that there would be no county officers to organize the counties and serve about nine months until the next election. Near the close of the session a separate bill was passed for each county naming each official, as the Legislature of Dakota had often done under the same kind of an Organic Act. The first bill was sent to the Governor who approved and returned it to the Council, where it had originated. In a few minutes another messenger appeared with a request from the Governor to withdraw it. Plainly, he had been advised. All this was overlooked or forgotten in the so-called Democratic Convention in Sheridan in 1910.

The Council returned it to him when he vetoed it. Both Houses passed over his veto by a unanimous vote when only a two-thirds vote was necessary to cause it to become a law to all intents and purposes under a plain provision of the Organic Act. He ignored these facts, as he proceeded to appoint officers for each county. A test case was submitted to two of the three carpet-bag judges who also ignored the laws. One ruled that the Governor only could appoint, a lawyer calling attention to several provisions of the Organic Act contrary to such ruling when the other judge admitted that such was a fact adding "that Congress did not mean it," and therefore the Governor had the power to appoint.

The Governor's appointees held the offices for the nine months, but the Democrats nominated the men who had been named in the law for each county and who had been robbed of the offices as stated. Each one of them was elected as a rebuke to the carpet-bag officials who

had engaged in overriding the law. I was returned to my position as Judge of Probate Court at that election and re-elected again in 1872 without a Republican candidate against me.

In another case a sheriff levied upon a man's house which was situated upon Government land for the debt of another man and notwithstanding there was one of three legal remedies to restrain the sale, the same judge ruled that the sheriff could not be restrained. The property of the legal owner was illegally sold for another's debt. This probably has not a precedent. Finally at a term of his court after two men who were indicted for gambling had been cleared by juries of the best men in the county, he said to the sheriff, "We must have a conviction"—seemingly whether the law or the evidence warranted.

In a case where the Union Pacific Railroad Company was a party, owing to challenges, the same sheriff had great difficulty in securing a jury. The judge informed him many good men in the Company's shop would make good jurors, urging him to summon them. The sheriff refused on the ground that they were his friends and would lose their places if summoned and the verdict was against the Company.

Affidavits substantiating all this were secured and placed in the hands of Republicans and after four years of his misrule, his reappointment was prevented. Both of those judges died long ago and after this lapse of time, those cases are only referred to for the purpose of giving the reader a slight idea of Court conditions in the beginning of our Territorial existence and to some extent prior thereto. As an example of court procedure along other lines, a case in which John W. Dykins, later of Evanston, was one of the parties came on for hearing in my court under the laws of Dakota with Bill Corlett and Bill Miller as opposing counsel. Motions

supported and opposed by argument were overruled until the last one made just before noon, when court was adjourned for an hour.

Upon my return I noticed the plaintiff and defendant playing a seemingly friendly game of cards at a table in the court room. In a few minutes they approached and wanted to know what the costs amounted to as they had settled by the game of cards and desired the case dismissed. This was agreed to by the attorneys who came while the costs were being taxed up and thus ended the case virtually within as well as without the court and seemingly to the satisfaction of all concerned.

CHAPTER XXI

THE FIRST BIG HORN AND BLACK HILLS ASSOCIATION, EXPEDITION AND SOME OF THE RESULTS

ONE night during the winter of 1869-1870, three men including myself, were seated in my office in Cheyenne, discussing plans for getting the Sioux Indians out of the country north of the North Platte River in which no white man was allowed to travel or settle, and from which forays were made by young bucks, stock run off and men killed. One man was killed by them within the city limits the year before.

Knowing that the discovery of gold in an Indian country had always decided the question of its occupancy in favor of the white man and remembering stories about its existence in the Black Hills and the Lost Cabin story connected with the Big Horn Mountains, we decided that a gold hunters' expedition of a semi-military character would solve the question and open those sections to settlement.

We caused a notice for meeting in McDaniel's Theatre the following night to appear in the morning paper. That meeting was a surprise, the theater being packed with men. Being selected to act as chairman, I stated the object of the meeting to be the organization of the Black Hills and Big Horn Association for the purpose of recruiting for an expedition into those sections. The association was immediately organized with myself as president and Colonel Farrar as secretary. Letters from men in many States desiring particulars began immediately to pour in, resulting in the booking of two

thousand who agreed to join the expedition armed with repeating guns and with one thousand rounds of ammunition for each. They were to supply themselves with rations for six months.

Everything seemed favorable, when President Grant caused an order to be issued prohibiting the expedition from going to the Black Hills, that being the first objective point. In spite of this order, about one hundred thirty men were finally outfitted and divided into two companies with Billy Wise and Colonel Farrar as captains and myself as commander of the expedition. Then came another order to Colonel King at Fort Russell to prevent our moving. After some delay the order was modified, allowing us to go no further than the South Pass country, and this far only on condition that I would sign an agreement to that effect. This being executed, we left Fort Russell on May 20, 1870, with a six-pounder cannon presented by Major John Talbot of Cheyenne, every man armed with best repeating guns and revolvers.

When we reached the Sweetwater River it soon became evident that Indians were congregating and moving parallel with us on both flanks, which they did until we reached Camp Brown, where Lander is now located and where they quit us evidently because they feared to attack owing to the compact marching and presence of the gun.

Near Miner's Delight, Morgan, Mason and Doc Barr passed going to their claims near Camp Brown. I warned them of the danger. They never reached the camp alive, being killed that day near where the Belgo oil wells are now located. Barr was evidently killed first. There were thirteen empty shells beside Morgan and seven beside Mason, showing they had fought desperately. They were both mutilated, especially Morgan. The next day while in camp on the Little Pope Agie

Creek, one of the guards on a hill nearby reported elk or Indians in sight. Hurrying to him, my glasses showed about thirty of the latter in view. I ordered the gunners to unlimber and give them a shell. I have seen Indians run before and since, but those bucks discounted them all, getting out of sight behind a hill in less than a minute from the time the sun flashed on the gun as it was quickly wheeled around.

The officer in command at Camp Brown estimated that we were surrounded by one thousand Indians and if we moved north none of us would ever return. There we left roads and white men behind. From there we made the road, which has been traveled until recently by settlers and others going into the Big Horn basin from the southern side. We were obliged to cut out sage brush that was five and six inches in diameter and seven or eight feet high for two hundred yards where we made the crossing of Big Wind River. This river was used by General Merritt several years after on his expedition against Chief Joseph and is therefore erroneously called Merritt's Crossing. He also followed my road into the Basin.

The thriving town of Lander occupies the site of Camp Brown and its cemetery, where Morgan, Mason and Barr were buried. I was in Lander about the first of September, 1907, and addressed the Pioneers' Association. Afterward, in company with Dr. Maghee, his wife and brother Joe, the latter of Saratoga, I located the spot where the fight occurred and it is to be, or perhaps has been, marked by a stone. The Indians drove the wagon hammer through the head of Morgan, no doubt while he was yet alive, and he was buried in that condition, as the hammer could not be removed without chopping his head open.

In removing the bodies from the cemetery they had failed to find any trace of a hammer. I assured them

they had not found Morgan's remains, and the day after I left, in excavating for a water pipe through a lot, his remains, with the hammer through the skull were found. This established the fact of his mutilation and the general depravity of Indians when on the warpath, as they nearly all were, in all parts of Wyoming from about 1862 to 1872 and over more than half of it from the latter date to 1877. Hundreds of soldiers and citizens lost their lives during these years.

Under such trying and dangerous conditions and only along the line of the Union Pacific Railroad after its construction, could towns, schools and church buildings be projected and erected. The Big Wind River being very high, we made a raft on which we transported everything. It was the third day of July. When near Wood River, a fork of Greybull, with the Big Horn Mountains on our right, we were overtaken by two companies of the second cavalry, under command of Lieutenant Whelan, with orders to take us back to Camp Stambaugh, near Miner's Delight, a mining camp.

Finding that his orders read to take us back should he find us in or moving in the direction of the Big Horn Mountains, I demurred on the ground that we were moving away from them. We were then on the public domain and not on any Indian reservation, and I told Whelan that all responsibility for what might happen would rest upon him if he attempted to stop us next morning. Our conference lasted well into the night and resulted in another agreement being drawn for me to sign, under which I was again made responsible for my men's movements, seeing to it that they did not go to those mountains. After signing the agreement, the lieutenant returned and we moved on, establishing a camp on Wood River about ten miles above the present town of Meeteetse.

Leaving eighty men in camp, I divided the remainder

into three parties to prospect the headwaters of that stream, leading one myself. If one of them had made an effort to prospect they would have discovered the present Kirwin mines. Instead, they only remained out two days and when I returned they and others had pulled out for Montana. Here one of the men named John Henry, became lost, and was dead when found. He was buried on the bank of Wood River and on what is now the Ranch of one of the Thomas brothers and after nearly forty-one years I visited his grave in 1911.

Thus ended the first expedition and effort to get the Sioux out of the country. We had driven the entering wedge, however, which eventually accomplished it. The fever was on, resulting in about one hundred and fifty men from Montana in 1872, invading the country where the Custer massacre occurred in 1876. Among them were many of my men. For thirteen days they fought and whipped Sitting Bull's band but had to get out of the country, as they could not prospect. The Indians were glad to have them go and did not follow them. This was followed in 1874 by Custer with the Seventh Cavalry marching from Fort Abraham Lincoln to and through the Black Hills. He brought back word that placer gold existed there.

This was followed soon after and during that year by a party of seventeen, including Mr. and Mrs. Talent and their boy, who slipped into the hills from Sioux City, Iowa, without being discovered. They erected a stockade on French Creek, three or four miles below where Custer City now stands. There they remained through the winter, finding placer gold in several localities. Their presence becoming known early in the spring of 1875, the military at Fort Laramie arrested, brought them to that post and turned them loose. They and others kept the military busy arresting, holding them in the bull pen where Custer City is now located and

escorting them out of the country during the following summer, until it became evident to the administration that it had a white elephant on its hands and withdrew the soldiers. Then I organized a train of seventeen wagons and thirty-five men and moved into the hills, crossing the North Platte River above Fort Laramie to avoid the military.

Before spring had opened in 1876, hundreds of men had arrived, caused in great measure by the Union Pacific Railroad Company using my letters to advertise that gold existed in the country. We had to fight the Indians several times during the following summer, forty or fifty whites being killed and many wounded. The worst feature of this was that some of the Indians were from the Agency near Camp Robinson and were being fed by the Government through the issue of rations every ten days giving them ample time to make their forays and yet be on hand at ration time with fresh scalps of our friends hanging in their tepees.

Then occurred the Custer Massacre and flight of Sitting Bull to the British possessions with about all the Indians remaining on the warpath, ending finally in the removal of all the Sioux out of Wyoming, and the opening for settlement of the country which the three of us had planned to redeem from the Indians six or seven years before and which would have been accomplished then but for the order of the President. If there had been no interference then our expedition in numbers two thousand strong would have marched directly to the hills, having strength enough to wipe the Indians off the earth if they got in the way, which they no doubt would have done, and the Custer massacre would never have occurred.

I do not wish to be understood as casting any blame on the president, as it was his duty to see that the stipulations of the treaty were observed by both the whites

and Indians. We of that day in Wyoming knew the Indians had not observed it for a day and were breaking it at the time when we planned to get them out of the way. It is an historical fact that the restricting order and the broken treaty retarded the settlement of Northern Wyoming for eight or ten years with the loss of many lives and thousands of dollars worth of property.

Through all that struggle, the army officers stationed at the forts in Wyoming were in sympathy with and aided our efforts in every way possible without disobeying orders, which, of course, no good soldier should ever do. To-day thousands of people in the Black Hills are living and prospering in comfortable, happy homes. Beautiful towns are located in and around them. Churches and fine schools abound. Across the line in Wyoming in the very center of the last stand of the Sioux, the same conditions exist. There ranchmen live in peace and comfort, without fear of an Indian foray. Live stock of all kinds graze unmolested where buffalo ranged and the Indian in war paint was monarch of all he surveyed. Amidst these quiet scenes stand the monuments placed to mark the spots on which the Fetterman and Custer massacres occurred.

It is very doubtful if many of those enjoying all this splendid good fortune know or realize the exposure and danger passed through by those of us who sought to bring about such conditions, or knowing, ever stop to think of the many civilians as well as soldiers who gave their lives that they and their little ones might live without fear of the merciless savage.

CHAPTER XXII

OLD COLOROW AND CAPTAIN JACK. TWO BAD UTE INDIANS.
KILLING OF TWO WOMEN AT OLD CAMP BROWN

IN June or July, 1870, a number of miners congregated at Independence Mountain, located near where the Hunter's Big Creek Ranch is now situated and near the extreme southern border of the upper Platte Valley. They were there while the snow water lasted for the purpose of mining some placer gold ground on or near that mountain. In a few days old Colorow, who was a chronic agitator and trouble breeder among the Indians, appeared and ordered them to leave the country within a certain number of days.

John H. Mullison and all but three left within the time, and when a party of seventeen men from Cheyenne, who had been to Snake River in search of gold, arrived near where the three men had remained to mine, they heard firing of guns very near at hand. They found old Colorow with his small band of Bucks behind a ridge shooting now and then at another ridge and imaginary Arapahoes when there was probably not one of that tribe within one hundred miles. He had just killed three men and seeing that he was about to be caught red-handed he quickly commenced the sham battle and had the cheek to ask Colonel I. W. French, one of the seventeen, for the loan of his gun. French declined, saying "he could and might have to use it himself in a few minutes."

That probably saved the lives of the whole party, for that old fiend surely intended to kill them all if he

could borrow their guns. He wanted to cover up for the time being what he knew they would discover in a few minutes, for when they reached the river they found the dead bodies of two of the miners named Shipman and Van Dyke, and the body of the third man, whose name has been forgotten. The sham battle was soon over and the party moved on, no doubt that wily old savage and his bunch of Bucks soon felling along the Cherokee trail to the West, where they soon ran across three trappers, Frank Marron, Joe Brun and John Scott, near Indian Creek between Beaver Creek and Encampment River. These men they killed, and as usual scalped and mutilated them. Seemingly the Government never attempted to punish him for that massacre but continued to pamper him.¹

It was a bad example, too. For Captain Jack and others, seeing that old Colorow was virtually immune from punishment, afterwards hatched up the massacre of their Agent Meeker and others at that place and carried their women into captivity. Following this was the Thornburg massacre and the saving of the remnant of that command through the long and perilous ride of Joe Rankin to Rawlins for relief. Again no punishment followed. On the contrary, it was said that some of them were taken to Washington after Mrs. Meeker, her daughter and others had been recovered, there to be feted and granted full amnesty instead of making an example of them.

It was related that prior to this massacre, when McCook was Governor of the Territory of Colorado, old Colorow being camped near Denver and having a griev-

¹ The men killed were Shipman, Van Dyke and Dutch Jake. Three trappers named Frank Marrow, Joe Brum and "Old Man Scott" were killed by Colorow and his band on Indian Creek between Beaver Creek and Encampment River and on Cherokee Trail, and were buried by Tom Castle and others. Tom Castle is now constable in Cheyenne.

ance, as usual conceived the idea of running a bluff on the executive office. So with ten or twelve of his bucks lined up in the street he entered the office and started his racket when the Governor, a large powerful man and of a fighting family, seized his pistol and catching him by the neck and breech clout rushed him to the door. With a kick he threw him into the street, saying to the bucks, "There is your squaw; take him and get out on the run before I call the Militia." Being called a squaw was the limit of humiliation for an Indian buck, but it did not feaze old Colorow. It was said that they lost no time moving camp.

Bad Indians, like bad white men, have generally died with their boots or moccasins on, and Colorow and Captain Jack did not escape that fate. The bad feature with these Indians was the long delay in their "sudden" taking off. Captain Jack went to the Shoshone Agency to create trouble about Washakie's band. Here the Arapahoes stabbed or shot a soldier and the result was the explosion of a twelve-pounder howitzer shell which did good work when it suddenly and effectively struck Captain Jack. It was probably well that the officer in command had the shell fired at once or a telegram from Washington might have intervened and saved the squaws a day or two of work in picking up pieces of that unruly and fiendish Indian's remains. As reported, the end of Colorow by the hand of a half breed was not long delayed, thus removing about the worst and last of the treacherous Indian disturbers that Northern Colorado and Southern Wyoming ever had to deal with. The half breed should have received a medal for making a good Indian of that old fiend.

Early in the spring of 1870, a band of Arapahoes established a camp not far from Atlantic and South Pass cities. Very soon depredations became frequent, culminating in the killing of Young Irwin in the outskirts

of Atlantic, Jack McGuire on the Sweetwater and two or three others whose names I have forgotten. Young Irwin was the son of Doctor Irwin, afterwards Indian Agent at the Shoshone Agency. The close proximity of that Indian Camp pointed unerringly to it as the place from which the forays and killings, scalping and mutilating emanated over which the miners became so enraged that one hundred or more of them organized and making a night march fell on the camp and wiped it out. There was no more trouble there from Indians until my Big Horn expedition passed through that country in the following June.

As in all such cases a great hue and cry was raised in the East over what was termed another massacre of peaceful inoffensive Indians by lawless men. These easterners, without knowing details, even said that the white men had no right to be in the country, that they had no business to attempt to redeem it from a wilderness and the savage conditions then existing. And this they said in face of the fact that pioneers in many of the Eastern and Southern States had to and did do the same thing in settling their own States from the Atlantic Ocean west and it is more than probable that the ancestors of some of our latter day sentimentalists were engaged in making what they considered good Indians just as our miners did.

During the early seventies another small bunch of Indian bucks congregated in a camp near Rawlins. Very soon trouble developed. Becoming bolder they would gallop on the hillside and shoot into the town, taking care to run away when citizens would go after them. This continued for some time until the camp was located, when a number of the now leading citizens of the town hurried through the night to that camp with the result that if any of that bunch of Bucks survived the killing they nor any other Indians on mischief bent

disturbed the peace of Rawlins thereafter. Yet that killing was heralded over the country as another slaughter of innocents and our carpet-bag Governor went so far as to threaten the men who did the killing with indictment.

Bill Hawley, who was sheriff and one of the guilty men, getting uneasy, came to see me in Cheyenne. I laughed at his fears, telling him to go home and forget it, that a few of us would attend to our carpet-bag friend, adding that he had seemingly forgotten that there was probably not a man at that time in Wyoming who as a juror or otherwise would vote to convict him or any of the others engaged in that killing. For good and sufficient reasons nothing more was heard of a Grand Jury in that case.

During the fall of 1872 Camp Brown, an Army Military Post occupying part of the present site of the town of Lander, was moved to Little Wind River and Fort Washakie and the Indian Agency were established. On the 24th day of July, 1873, Mrs. Richards and her niece, Mrs. Hall, being alone in a cabin located on the ground now occupied by the new United States building in Lander, were killed by Indians and so horribly mutilated that it can not be mentioned in print, the driving of the hammer through Morgan's head, as mentioned elsewhere, not being a circumstance to it. This happened at a time when everything seemed peaceful and what makes the killing of those defenseless women more fiendish was that conditions in and about the cabin pointed to the fact that the women had voluntarily or under compulsion cooked meals for the fiends, and were then compelled to undergo all kinds of indignities before the killing and mutilation.

If any Indians in the Arapahoe, Sioux, Cheyenne or any other tribe were ever punished for this, I never heard of it. I am indebted to an old friend, E. F.

Cheney, a resident of Lander, for the foregoing dates and location of the cabin, the rest of the account being fresh in my memory as a matter of history as though it occurred yesterday. Cheney, Major Baldwin, Cottrell, Rodgers, Morgan, Nickerson and the Foshers were among the first of the few pioneer settlers in the Wind River Valley. They can relate many stories of the stirring events which occurred during the initial attempts to settle that valley.

CHAPTER XXIII

A CORONER'S INQUEST. THE MILLION DOLLAR COAL MINE AND OTHER PECULIAR AND COMICAL EVENTS

DURING a session of the Grand Lodge of the Independent Order of Odd Fellows in Laramie, a few of us at the Kuster Hotel were sent for to witness a coroner's inquest. It was held in the office of Doctor Harrs. We were soon on the ground and found there Buck Bramel, Louis Miller and the Doctor. Until the arrival of Bill Nye, Bill Root and the organization of the Forty Liar Club, of which they were honorary members, these three men were the great practical jokers of the town. They were all seated around the table upon which, under a sheet, reposed the remains.

The usual solemn ceremonies proper on such an occasion were observed by all of them in a fitting manner, Bramel and Miller testifying that they had found the body in an alley and had brought it to the Doctor's office for the purpose of having him revive it if possible. The story was too pathetic to fool the Doctor, but he instantly became a partner in their escapade and suggested that they send for the Coroner and a jury, who came at once and the inquest was held. When the verdict of "dead from the effect of too much alcoholic stimulant" was announced the coroner, who was also an undertaker, as usual in such cases, prepared to measure the remains. Anticipating this, one of the jokers seated himself with his hand containing snuff and cayenne pepper under the sheet and quickly applied this to the nose of the man (who was merely dead drunk), causing

a convulsion of sneezing as the sheet was thrown back from the face.

With a bound the coroner was on the pavement berating the three jokers and it is doubtful if he ever really forgave them. About two years afterward the same man with his face out of shape from toothache appeared in the Doctor's office to secure relief, and said the inquest and his near approach to death at that time had caused him to quit drinking for all time. Thus, after all, the joke served a good purpose, and it is too bad that something of the kind could not happen to all men who can not take a drink without traveling that road which leads to destruction physically, mentally, morally, socially and financially.

Salting gold mines by unscrupulous men being an old trick finally prohibited by law in all mining countries, with heavy penalties imposed, it remained for a Missourian claiming to be a nephew of the Colonel of a Militia regiment which was mustered out in disgrace during the war, to invent the new plan. He prepared a salted coal mine near Cheyenne.

A friend of mine came to my office to interest me in a coal proposition, he, a well known lawyer and a jeweler wanting me as the fourth member of the company. He said the prospect for the coal mine was about five or six miles west of Cheyenne and not more than three hundred yards from the Union Pacific Railroad track, not far from the present junction of the Denver branch with the main line. He further said that all three of them were enthusiastic over the find or prospect, the value of which the ignorant Missourian did not realize, as he was willing to sell out for a small sum of ready cash. The jeweler member of the company had been instructed to fit the prospector out with a new suit of clothes and furnish his wife with a ring, to hold an option on this evident million dollar proposition.

I refused to have anything to do with it, telling him that I had corralled our wagon train near there and grazed our cattle there before the stakes were driven for Cheyenne, the grass being fine, which would have been impossible with a coal vein only six or eight feet under the surface. He said the coal resembled and burned equal to that from Rock Springs (from whence I now have no doubt it came). Being anxious that I should enjoy some of the millions in sight, they were willing to let me into the scheme on the bed rock plan and my friend insisted on my meeting the man at his place. This I did, finding him well under or pretending to be under the influence of whiskey.

The company members were all present and the party was having a jolly good time. The man said he knew me but I had no knowledge of him and my stay was short. The proprietor followed me out. Then I said that if the man was as great a rascal as his uncle, of which there was little doubt, they had better drop the matter. I insisted that there surely was no vein of coal there, and before putting up any more money they had better go out that night and investigate and probably they would be able to haul in the whole mine in an ordinary wagon. They followed my advice, the lawyer member scouting around at some distance with a shotgun ready for an emergency. The jeweler stood guard nearby and the other member held the lantern while the quarter of a ton of Rock Springs coal was shoveled out of the hole where the man had planted it.

The mine of millions, like many others in the gold and silver class, had quickly petered out, leaving three mad and disgusted men. In fact the lawyer was so enraged that instead of dropping the whole matter as a joke, he threw prudence to the winds and had the man arrested for obtaining money under false pretenses. A former partner of the lawyer, being also a Missourian, hearing

of the arrest, volunteered his services to defend and the hearing was before Mead, a Justice of the Peace. It was a melodramatic affair in which a strong hot whiskey toddy would now and then be brought to nerve up the court to do his duty. The wife of the man was posted to have a handkerchief ready to break out in tears when the attorney should reach and depict the fate of the woman and child in the case.

Many friends of the "Company" were present supposedly to lend their sympathy to its members but it is feared more to enjoy the fun. The attorney for the defense pictured to the court the case of his client as a poor, honest, inoffensive prospector traveling through the country with his wife and child in an old one horse spring wagon, meeting with no danger or trouble by the way until he had reached and camped on the creek in Cheyenne. He graphically described his innocent discovery of a prospect hole in the bottom of which coal could be seen by a man with one eye without a magnifying glass, and then went on with the story of the attempted sale of the property which in his ignorance (tears from his wife) seemed to be a bonanza.

He pictured, in tones of sarcasm, the prosecutors all living in luxury but ever ready and greedy to grasp the almighty dollar and to become millionaires by swindling his client out of a stake that they had every reason to think might make his and his wife's declining years peaceful, joyous and pleasant. He dwelt upon the fact that they kept insisting on his selling them the prospect and "May it please the court," he said, "the fact is, we should have these men arrested for going armed with deadly weapons in the night and under the cover of darkness to the prospect hole and claim of my client and stealing, hauling away and converting to their own use the property of my client, against the peace and dignity of the Territory.

"But my client and his wife, ever mindful of the Golden Rule and the mercy and charity they were taught to extend to such malefactors as are here before Your Honor as persecutors, appealing to you to become a court of persecution and injustice, are as confident as I am that your stern sense of justice and kindly heart will take into consideration that this man has been more sinned against than sinning. They know as I do that you think of this lone woman and little child deprived of their protector among strangers in a strange land, hundreds of miles from their relatives and friends, and we believe and have faith that Your Honor will discharge the defendant and allow him to depart in peace."

When this speech was ended with a grand flourish, the woman and child were crying aloud, and the Justice pretty mellow from the several drinks he had imbibed, discharged the prisoner, who was advised by his lawyer to hitch up and get away at once. He did. A few years afterwards upon entering a business house in Deadwood a man quickly stepped behind the door, and my hand went to my pocket instantly. Then I saw he was the coal man. He begged me not to tell the story on him in that country and I never did.

Soon after my return to my home in Cheyenne, in passing along the street one day I encountered him again and it was evident that he had not prospered, for he was wearing a long green blanket overcoat, one-half the tail of which had been burned off. I immediately went to the saloon of the only member of the coal company left in Cheyenne and described the man whom he had noticed in the place and the next time he appeared he invited him to a table and, ordering the beer, pretended to recall having seen him before. After they had drunk, he suddenly appeared to remember and said, "You are the man who tried to sell us the coal

mine." The man jumped up, ran out and, if living, may be running yet, such being an example of the wicked fleeing when no man pursueth. The other man had years before reached the point where he could laugh at the joke on him and his partners.

When our county administration determined to build a Court House and I, as a member of the second Legislative Assembly, had secured the passage of a bonding law for that purpose, we of the county government encountered some trouble over the site. At that time we had three famous knockers and chronic kickers to deal with, who objected to the bonding and the erection on the lot it now occupies as it would be out in the country and too far for them to walk. We erected it, however, although it was well out at that time.

We had the same element of discontent to deal with when the City Hall and the Central brick school building were erected. When I introduced and secured the passage of one of the first, if not the first compulsory school law anywhere in our country, compelling all children over a certain age to attend school, this chronic kicking was heard again. This became a law during the session of the second Legislative Assembly, and to the great benefit of many boys forced them off the streets.

It was during that session that a determined effort was made by a majority of the Legislature to remove the Capital from Cheyenne to Evanston and the fight to prevent it devolved upon Judge Gibson Clark, Major John Talbot and myself, the three members of the House from Laramie County. It will probably be remembered by some of the old timers in Cheyenne, that I talked that removal bill to death. Again in the fourth Legislature the question came up for debate and as a member of the Council, with the aid of Herman Haas,

H. B. Kelly, Larry Bresnahan and Gil Searight, the other four members from Laramie County, the removal of the capital to Evanston was prevented.

No doubt every session of a Legislature has amusing features connected with it and the second session of the Wyoming Territorial Legislature was not an exception. Probably one of the most diverting incidents that ever happened in a Legislative body occurred in the House during that session. Major Talbot and Kit Castle, the latter from Evanston, occupied seats immediately in front of us. One afternoon they had absented themselves and when they appeared during the night session they had both reached the sleepy stage which follows an afternoon of "good fellowship" and were soon dozing with their heads on their desks, oblivious to all legislative proceedings.

Judge M. C. Brown, a member from Albany County, thinking it an opportune time to get certain legislation (objected to by the sleepers) through the House, moved its adoption and upon the vote being taken it seemed to have carried. I hastily called for a division and, reaching over, secured a firm grip of the Major's coat collar. When the negative vote was directed to rise and stand until counted I gave the collar a strong lifting jerk, at the same time hitting Kit in the back. The jolt brought him to his feet and of course they both were counted, thus defeating the motion. As we sat down Kit wanted to know what we had killed and was delighted to discover that he had voted.

CHAPTER XXIV

ORGANIZATION OF THE LARAMIE COUNTY STOCK ASSOCIATION. THE INTRODUCTION OF SHEEP INTO THE TERRITORY. CHARACTER SKETCHES

EARLY in the seventies the stock industry had increased to such an extent in Laramie County and the cattle drifted to such great distances across the open range during the winter, with seldom a fence as an obstruction, that it became absolutely necessary to organize a protective association of some kind. John and Thomas Durbin, H. B. Kelly, Gilbert and George Seairight, Charles Coffey, Alexander and Thomas Swan, A. H. Reel, John Hunton, myself and a few others met in my office in the Court House at one time and perfected a temporary organization in which I was made secretary and requested to draw up and present a constitution and by-laws, which I did.

This meeting in my office was attended by very nearly every cattleman in the county. Two or three refused to have anything to do with the movement for a year or two until they saw they might be able to use it to their own political advantage (which they did, claiming all the credit and according none to the real organizers). A permanent organization was effected at that meeting. I was made secretary and retained that position until I went to the Black Hills in the winter of 1875 to aid in wresting that country from the Indians.

Round up districts were laid off, the gathering of cattle for branding and shipment was systematically provided for and the matter of brands and recording was

agreed upon. This was the foundation laid for the great cattle industry in Wyoming in later days or during the eighties. Then the range in many localities became so heavily overstocked (especially through great cattle drives from Texas) that enormous losses were incurred, ruining many cattle companies and seriously injuring others. Business in general also suffered from this cause.

A few men who have never publicly claimed to be the originators and great organizers of that association, against the opposition of one or two men who have indirectly if not directly made such claim, thus started a movement, the fame of which became world wide. Scenes witnessed on those early roundups are portrayed to-day in all Wild West shows and the Annual Frontier Day at Cheyenne.

During the height of the boom and Texas cattle drives, L. Kabis of Cheyenne visited his relatives in the old country. An uncle who had a few head of cattle and though he was a big cattleman (which he was in Germany) was astounded when told of companies owning twenty and thirty thousand head of cattle. So when Jacob Gauff, another nephew, prepared to come to Cheyenne he charged him to be sure and write him the truth about the business and not be like Kabis, who had tried to deceive and make a fool of him by such impossible stories.

Jacob arrived just in time for his Uncle Phillip Zehner to drive him out in a buggy to see one of the many drives pass north. After watching it some time he wanted to know when they would quit coming. His uncle said probably in a day or two. On receiving Jacob's description, the old uncle in Germany was incredulous as ever and simply said Leopold and Jacob were truthful boys when they left the Fatherland, but America had made them woeful liars.

When the county brand record was examined it was found that my wife's cattle brand was the first on record. She brought a few cows and other cattle with her when she and my two sons, then small children, crossed the plains in wagons to Denver in 1866. The cattle were driven to my ranch when the family moved to Cheyenne in the winter of 1867. This ranch was the first one in the county, if not in the State, where a foundation for a claim house was laid and for which a patent from the Government was obtained. It is where Uncle Sam has located his dry farming experiment station, a mile or two east of Cheyenne. The sheep ranch I afterward located was at the grove of large willow trees below and near the Hereford Ranch buildings. My name is probably never mentioned or thought of in connection with either place.

As now remembered, the first effort to try the sheep business in Wyoming was by the Durbin brothers and Judge Kingman. The former, after their brother George had been killed in a blizzard, soon changed mainly if not altogether to cattle. Judge Kingman shipped out about three thousand head of Vermont sheep and lost all of them except about five hundred in the same blizzard soon after they arrived. This was not encouraging, but I invested every dollar of ready money I possessed in a small bunch of Mexican ewes and a few cattle. For eight years there were no losses to amount to anything, then an awful drought during 1880 or 1881 virtually wiped the business out. Thus what promised to be a successful venture in the business ended in failure, caused by the interposition of Providence. It seemed to foreshadow a like fate for the range cattle business.

We often hear it said that there are tricks in all trades and there certainly was a trick in at least one cattle deal in Wyoming. A sale of Oregon cattle was

made, the cattle to be delivered in the Sweetwater country. The erstwhile owner kept them moving around a butte on the plain like an endless chain, while the purchaser who was counting them was so placed that he could not see what was going on and did not dream he was counting the same cattle three or four times. Those telling the story estimated that the purchaser paid about three hundred and sixty-five dollars for each animal in that herd. About the same ratio may apply to cattle herds bought in those days on book account without actual counting.

Along with my experiments and effort to build up the third Territory in which I had assisted materially to lay the foundation for statehood, may be recorded demonstrations of more or less grief, to some extent compensated through humorous and happy occurrences interspersed now and then to disturb the monotony of the life.

Four or five families had jumped or squatted on a small piece of ground near the depot in Cheyenne where the end of the railroad lawn and approach to the viaduct is now located. It soon became known as "Hell's half acre," on account of periodical riots among the families, when tents would be torn down and shanties overturned. Often some of the women were leading characters in these shameful escapades. Having equal rights with men in Wyoming they seemed to feel that the proper degree of equality could not exist unless they joined in the free-for-all fighting which occurred. After such occasions, there always appeared before me battered men and disheveled women, each seeking justice, which it was a pleasure for me to hand out to them in large or small doses as the gravity of the case and extent of the riot justified.

Among them was one woman who could talk so fast and without seemingly drawing her breath, that she be-

came known as the talking machine. At that time there was a character about town known as Baldy Sours, who was known as a swift, careless talker, having an extensive vocabulary of slang and witty repartee, which he had acquired through long practice. Baldy happened to be in the court room one day when she arrived all disheveled and suggestive of another riot. She told her usual tale of woe and while preparations were being made for the arrest of the supposed rioters, she and Baldy became engaged in a war of words which finally resulted in his yielding the palm to her, declaring her to be, as he expressed it, the "best single-handed talker he had ever met," to which all present agreed.

This episode is a reminder. Years after this two good reliable citizens of the State, both of whom were champion talkers, became so wrapped up in relating stories that they became wholly oblivious of time. Some friends proposed that the talk-fest championship should be settled then and there. The talkers agreed and wagers on the result were made. At the usual time for retiring, they were left to talk it out alone. Some of the jokers were up early next morning and found one of them lying on the floor, with the other whispering in his ear.

CHAPTER XXV

THE ODD FELLOWS SOCIETY, THE KNIGHTS OF PYTHIAS AND MASONIC FRATERNITY. TWO PECULIAR ADVENTURES

ALONG with the erection of the first church and school building in Cheyenne, a Masonic Lodge and then an Odd Fellows Lodge were organized and instituted, and they are both known as Cheyenne Number One on the roll of each order. I joined the Odd Fellows in 1868. Have remained a member of its "number one" ever since. As chairman of its building committee, we erected the second two-story brick business house in Cheyenne on the corner of Eddy and Seventeenth Streets, afterwards known as the Marks and Myers Building. When the Grand Lodge was instituted, I was first Noble Grand Master and the first Grand Patriarch when the Grand Encampment was instituted, also the first Department Commander of the Patriarchs Militant or military branch of Odd Fellowship, although not commissioned under that title.

The Grand Lodge kept me in the Sovereign Grand Lodge twenty-eight years as its Grand Representative, which led to my being elected Deputy Grand Sire and then Grand Sire, the latter being the highest office any member can attain, for he who holds the latter position is the head of the whole order throughout the world, an honor well worthy the ambition of any man. Its members reached more than two million in number while I held the position, which is another mark of distinction.

I next became a member of Rocky Mountain Lodge

Number One, Knights of Pythias, becoming a Past Chancellor therein and District Deputy Supreme Chancellor. After the demise of Number One, finding it useless to attempt its revival, I instituted Cheyenne Lodge Number Two, now the oldest lodge on the roster of that order in Wyoming. This statement accounts for the fact that the order has no Number One lodge in the State. I became a member of Cheyenne Lodge Number One of Masons in 1875. Have retained my membership therein continuously, and am one of its Past Masters.

At the session of the Masonic Grand Lodge of Wyoming in 1866, I was elected Grand Secretary and have served continuously in that position, and as Reporter on correspondence this year of 1915 being the twenty-ninth year of my service. I am also a thirty-second degree member of Scottish Rite Masonry. My record in all of said orders will bear inspection, especially in the line of having been one of the factors in each organization in aiding humanity, in character building and in practicing the teachings of each for the welfare of mankind, as a law abiding citizen and promoter instead of a wrecker of well settled interests of the people as a whole when jeopardized by experimental fads and fancies.

Probably no other man who was a prominent figure in politics in the early days of any Territory or State has ever received the shabby and treacherous treatment which was accorded me by pretended leaders of a party, none of whom have ever climbed the ladder high enough to get their heads above the slime of slum politics. Even in dealing with members of what they call their party, they resort to all kinds of deception and disreputable methods within and without the party. Not one of them will ever make a successful leader because of the close corporation machine which a few would-be statesmen, rattling around in a real statesman's clothes

like a marble in a dinner pail, have long ago adopted with the rule or ruin policy.

Everything is a joke with them which happens to any Democrat outside of the four or five of the inner circle of the machine in each county.

They have secretly connived at a candidate's defeat, especially when that candidate would not wear the yoke of the head Boss who has been known to sell Democratic candidates and secretly attempt to get other Democrats to do the same and (if reports are true) placed money in the hands of a Republican to win the money of good Democrats. When Cleveland was defeated they did this and they divided the swag. This Boss also agreed with more than one member of the party to stand by agreements made, and threw them down, considering such bad faith as a great joke. Yet the party expects to win with such a leader and machine weighing it down. The story of "Haman" fits this man and the same end, metaphorically speaking, awaits him when the scales fall away from the eyes of the rank and file of the party and they know him as many do in Wyoming.

I never have and never will wear a yoke of any man or machine and whilst expecting to remain a Democrat it will no longer be of the yellow dog variety. Some of the machine men are candidates and depend upon such would-be leaders to insure my undivided support, notwithstanding the continuous dose of unsavory Democratic Crow dished up to me for the past quarter of a century. In one way I am at last in the same class with said leaders and others, a few of whom have always been half Democrat and half Republican and nearly all of whom recently demonstrated that fact. Without going into details, which would require a book that I expect to write giving the facts and inside history of political affairs and corrupt practice attempted by said leader and others of his machine closely connected with

him, I will here relate a true story of one of the many tricks I have endured from members of my party.

In one campaign I was nominated against my protest. The Fort Laramie precinct had given a large majority against our ticket at the previous election. For the first time I went there and managed to arrange with Adolf Cuney and Jules Ecoffey for changing results. Upon my return home while conversing with one of the candidates on the ticket who was afraid he would not be elected, he hailed a man passing who said he was going to Fort Laramie and would sure be there for the election. The candidate pulled a package wrapped in brown paper from his pocket, which I intuitively knew were Democratic tickets with my name off and a Republican's name printed in.

The man promised to deliver the package to the keeper of a road house near Cuney and Ecoffey's Ranch. The package was delivered. Excusing myself, I hurriedly wrote and mailed a letter to Adolf Cuney, an old Missouri friend of mine, informing him of my suspicions and instructing him to make a package of regular tickets wrapped in brown paper, visit his neighbor and manage to substitute his package for the other, which he did. Upon examination he found my name off and a certain Republican candidate's name printed in, as I had surmised, sent me one and destroyed the rest, and when that Republican candidate appeared on the morning of election and opened the package his astonishment knew no bounds.

A few years thereafter being in Deadwood he dropped in to see me and said he had always suspicioned that in some way I had queered his deal with the Democrats. When he heard how it was done, as above related, he laughed in his happy, boisterous way, saying such intuition was beyond him. I never held that against the Democrat, even under great provocation,

and have never mentioned his name, being charitable enough to believe that he would not have resorted to such a scheme if he had not believed that I would be elected anyhow, but that is not my way of serving any man on a ticket with me.

An interesting character of the early days in Cheyenne, was a man who would tap the till and go on a spree for days, periodically. When his money was gone he would go home and get the shipping that he deserved and was coming to him from his wife and daughter, who would throw him out of the house. He would visit me at once for sympathy and to enlist my services to secure peace in the family. This had occurred a number of times when finally he came in one day looking more disreputable than ever, his face badly scratched, and his hair loosened in spots and hanging in strings. He had more than the usual grist of woe to relate, winding up with, "Judge, nevermore will I go back to that old woman; she is a hellion and a liar; yer, a bigger liar than either you or me." I immediately hurried him into the back room to sleep off his debauch, as usual, secured a cessation of hostilities during good behavior and when he awoke lectured and escorted him home to see that the truce was observed.

Another man who could not keep away from the faro bank and a saloon was generally mixed up in a row with somebody, or imagined he was. To hear him talk, one would think there was no end to the men he had whipped. Finally imaginary fights became a mania with him and I was not surprised one morning when he galloped up in front of the court room, hitched his mule, rushed in and wanted to know how much it would cost him to whip a man. Naturally, before answering, I wanted to know if he had really had a fight, as his appearance did not indicate anything of the kind.

He related a wonderful story of meeting a man down

on the creek, whom he had never seen before, who threw a rock, striking him in the side, nearly knocking him off his mule. He said that was more than he could stand and that he jumped off and gave that man an awful beating and wanted to pay his fine. I suggested that he wait until the man made complaint, but he insisted on pleading guilty and I fined him. He quickly paid the fine, went out, mounted and galloped away, and very soon afterwards committed suicide. No complaint was ever entered by any one on account of such a fight, and I finally came to the conclusion that he had read and dwelt too long with the exploits of Falstaff.

CHAPTER XXVI

THE FIRST RED CLOUD AGENCY AND SUPPLY DEPOT

AFTER the treaty with the Sioux Indians in 1868, Red Cloud with many of the Ogallala Sioux were induced to desert the war path and settle down with Spotted Tail and his Brules at the Agency erected on the North Platte River, not far from where the town of Torrington is now located. The French or large rough stone or grout warehouse at the intersection of Eddy and Fifteenth streets in Cheyenne was the depot for storing Indian supplies of all kinds. From here they were shipped to the Agency through the medium of Bull trains requiring the employment of many wagons, oxen and bull-whackers.

This made business lively as long as Cheyenne continued to be the shipping point overland. This Agency was finally moved to a point between Fort Robinson and Crawford, Nebraska, where after years of effort the Indians were finally induced to quit the war path in Wyoming, and were concentrated. Thus by slow degrees our Territory was entirely freed from the troublesome and warlike Sioux Indians and all others except a small band of Arapahoes and the ever peaceful Washakie band of Shoshones.

When Red Cloud came into Fort Laramie early in 1870, preparatory to locating at said Agency he and his Indians had with them several thousand Indian ponies, American horses and mules, some of the latter having been stampeded and run off as late as 1868. Jim Moore and others who had recently lost stock went to

the Indian encampment and finding their mules and other stock in the herd, at once applied to the Indian Commissioners and Governor Campbell who were at the Fort making the final arrangements for locating Red Cloud at the Agency. They requested that the governor send soldiers with them until they could cut their property out of the Indian herd. This the Governor and Commissioners refused to do and Moore expressed his opinion of them in true western style in vogue at that time. He said that if he had only fifty men from Cheyenne well mounted he would in a few minutes stampede and run the whole herd far enough away so that they could safely cut out and drive off everything except the Indian ponies.

To pacify him the commissioners said he and all others could under the treaty put in their claims to the Government for stock lost and other property destroyed and Congress would provide for paying same. Such claims were filed, supported by strong affidavits of the loss of property, but it was twenty or thirty years before any of them were paid and probably some of them remain unpaid to this day, notwithstanding the fact that the destruction of property by those Indians financially broke many men, some of whom were also killed.

We Democrats legitimately used the delay in paying said claims against the Republican party until Cleveland was elected, when he sent a special agent out to insist upon additional affidavits of the loss and value of stock run off and other property destroyed by fire. This was adding insult to injury in view of the fact that through the lapse of many years since claims and affidavits of such losses had been filed, some of the claimants and many of the witnesses had either died or had left the country.

One morning while I was City Clerk of Cheyenne in

the later eighties, I heard loud words in the office of Billy Lee, Police Justice, between him and one of Cleveland's special agents who was insisting on new affidavits. Finally they came into my office for the purpose of having me swear Billy to a new affidavit. I asked the Agent what the object was in requiring such a document at that late day and he said the Cleveland administration thought it was robbery for claimants to put war prices on property lost when Greenbacks were ranging at two twenty-four, and should have made their claims on the gold basis of dollar for dollar, notwithstanding the fact that two twenty-four was the basis at the time the property was lost and about the same when the claims were filed.

I had lost no property but knew that Billy Lee's property had been destroyed, as I had passed his place on the Platte with a big wagon train very soon after such destruction and before some of the remains of the Ranches had quit smoking. Having been an eye witness to the loss of much property and knowing that many lives had been sacrificed, I had very decided opinions and did not hesitate to express them in strong terms. I gave the agent my opinion of an administration (if it was of my party), that would attempt to evade the payment of such claims, and that if I were claimant I would gladly accept six per cent. interest per annum on a gold basis of dollar for dollar from the date of the loss of property to the date of payment, in place of the two twenty-four valuation. That parting shot went home and he quit the City Hall. It is interesting to note that Cleveland afterwards recommended that no appropriation be made for the payment of said claims although the court had passed upon and allowed them.

In one of the political campaigns about this time a speaker's platform was erected in front of the Dyer

Hotel and while two of the old war horses of the party were speaking, I and others were gum shoeing among the hundreds of voters around the platform. As the last speech closed, shouts loud and long for me to speak were heard. I never had tried to make a speech of any kind but knew it would not do to back out.

Reaching the stand in fear and trembling, a happy thought came my way and after addressing the chairman I said "Fellow citizens, the newspaper around the corner saw proper this morning to take my name in vain. The editor claimed that he admired cheek in any man, but not the superabundance of that article displayed by a candidate for the most prominent and important county office, who never should have been nominated as he came into the Territory as a Bullwhacker and therefore certainly had no qualifications for the office. Now, fellow citizens, I am the man alluded to and mentioned by name as some of you may have noticed. I am here in the open as always to plead guilty to the charge and to announce that I am proud of the fact that I came into the Territory with a fourteen foot bull whip in my hand driving six yoke of oxen. I was hauling Government supplies for the soldiers to enable them to fight the Indians and make the country safe enough for the editor of the sheet to come out safely in a Pullman years afterwards. I believe I can get as much work out of an ox team as any man that ever swung a whip."

At this point a man across the street took off his sombrero, and waving it around his head yelled "you can bet your life he can. I've seen him do it." With that hats went in the air and cheering was loud and long. That ended my maiden speech, and I walked off the platform bowing to the right and left. It was my first, shortest, best and most effective political speech.

Meeting the editor next day I insisted on a daily write-up along the same lines, but he said he had made inquiries and discovered his mistake and had quit. That editor always enjoyed my personal friendship and he materially aided me by telling the truth which is more than can be said of one or two I have had to deal with in recent years who, through such attacks, defeated some of their Democratic friends who were mine as well.

Jason Brown, an able and prominent Democrat in Indiana, for some cause (probably too many doses of Democratic Crow), stumped that State for the Republican candidate for President who being elected, appointed him Secretary of our Territory. He and his carpet bag arrived in due time and very soon a few of us had sized him up. In one of the campaigns the Republicans had a great rally. Our able and eloquent friend was one of the speakers and taking the tariff question for his text, he talked for two long hours about that and nothing else to the great disgust of the regular Republicans who were quietly groaning towards the last, as they knew our people out in this new country at that time, knew very little if anything about "tariff"—and cared less.

Many disgruntled Republicans and some Democrats were present and cheered him vigorously every few minutes to keep him going as he drove nail after nail into the political coffin of the local Republican party. He was never booked for another political speech and they could not secure his removal for their party. No doubt some of the Democratic leaders in Indiana did not desire the return of such a spellbinder to that State. He finally returned, however, and became prominent as a great Democratic speaker in campaigns in that State.

Among the many carpet baggers we had to endure in Territorial days was a Judge who was without doubt

an able lawyer, well educated, capable and probably the most efficient Judge sent us from the East. His eyesight was very defective and he never knew when to quit holding a term of court to the great disgust of the taxpayers and near bankruptcy of the counties in his district. Naturally he was not only unpopular in his district but in the others as well. During the session of the Territorial legislature in 1875, of which I was a member, I drew and secured the passage of two bills providing for the organization of Crock and Pease counties, the latter being afterwards changed to Johnson County.

It was many years before they were organized, as the Indians were then on the war path and with the buffalo, had possession of all that country. Such provision for organization at that early date was to prevent any Governor from carpet bagging the county through appointing men to the offices who did not reside in the county. The Judge referred to, came to the Territory directly after this, and at the next session of the legislature those two uninhabited counties, (so far as whites were concerned), were declared to be a Judicial District and said Judge assigned to them for the reason that none of the organized counties would have him.

He was therefore virtually legislated out of office but retained it without having to perform any official duties until his commission expired two or three years afterwards. It was claimed that Governor Thayer was removed or failed of reappointment through his having signed the bill shelving the Judge. Be that as it may, it was well for one of our first Judges with an unsavory record that such counties did not exist in his day of unlawful rulings, for he surely would have been assigned thereto during the session of the second legislative assembly.

CHAPTER XXVII

SOME EARLY HISTORY CONNECTED WITH THE BLACK HILLS OF SOUTH DAKOTA

As before related, I was among the few pioneers who reached the Black Hills in the winter of 1875, and were not removed by the military. After a few weeks' stay, having satisfied myself of the great possibilities of that country, in the line of mining, farming and stock raising, in company with Kiplinger and five other men in four wagons, I started for Cheyenne.

When about midnight and ten miles from Indian Creek, a great number of camp fires along the creek could be seen, indicating a large Indian camp which we afterwards learned contained about a thousand Indians. Passing at some distance from it, and getting a long high hill between, before daylight we avoided them as they were going the other way. They had made a great trail for two or three miles through the snow along our road. If we had been a few hours earlier we would certainly have been killed.

After remaining at home a few days I started on my return to Custer City accompanied by two friends named Parkurst and Tisdale who were well mounted. At Hat Creek, we overtook about seventy wagons loaded with goods for Black Hills trade. The next night we camped near the Indian camp ground mentioned and encountered one of the worst blizzards ever seen in that country. It raged all night with the wind blowing a gale. Great snow drifts were piled up and although our bed in the open was slightly protected,

there were six or eight inches of the "beautiful" all over us, from under which, with the thermometer away below zero, we crawled when the sun came up next morning. With two bright sun dogs as company we hurriedly moved to timber nearby.

During the day all the wagons arrived and we pulled out early next morning in company with a Creole from New Orleans, who had a small pair of mules hitched to an ambulance. He said he would try to keep up with us as I warned him not to camp over night at the crossing of the Cheyenne River, lest he would lose his mules. At that time about the only house or cabin between Fort Laramie and Custer was on the north bank of the river opposite the present town of Edgemont, South Dakota, and this was supposed to be a rendezvous for road agents then preparing to start operations. On nearing the cabin about nightfall, I sent my friends ahead to get some bread from the owner whom I knew very well. He was a Wyoming man. When I arrived they had the bread but wanted me to camp there on account of the cold. This I refused to do as I intuitively felt that we would have to walk into Custer if we did. I drove on and they followed growling all the way to camp at first water in Red Cañon where wood and grass were plentiful.

In a few minutes we heard a wagon coming down the Custer end of the road and Curley, a fiddler in Al Swearengen's dance hall, drove up in the darkness and asked to camp with us. After unhitching, he said he had met Persimmon Bill a short distance up the road who directed him to camp with me and not to go on to the river. It was then plain to me that Bill who knew me well in Cheyenne, had been in the cabin and had heard me say where I intended to camp. He had passed me somehow by a cut-off trail. The Indians or Road Agents stampeded and ran off

many train horses and mules including those of the Creole, who had camped near the cabin. The agents were no doubt the guilty parties in that case. Two or three days afterwards the Creole staggered into my place exhausted and fell rather than sat down exclaiming with tears in his eyes, "I loss 'em. I loss 'em, you tole me so, O my poor little mules they gone."

A few days later this William Martin, afterwards father-in-law of Ex-Governor Orman of Colorado, in company with Ben Northington, an Indian fighter of some note, and a few others, selected and laid off the townsite of Rapid City, built a few log houses, and started out in an old ambulance to lay out a road to Custer City. They camped for the night a few miles from the latter. Uncle Billy, as we called Martin, who was an old acquaintance and friend of mine, never carried a gun, saying he did not know how to shoot, and was too old to learn. He and Ben were bedfellows with the latter on the up hill side.

Late at night there was an alarm, caused, no doubt, by two of the horses tied together passing near by. Some of the party commenced shooting. Uncle Billy, taking a good secure tuck on the blankets rolled down the hill into the willows shouting, "Shoot, Ben, shoot. Why in hell don't you shoot?" After the excitement was over, a council of war was held, and all the blankets and comforts were placed on the remaining two or three horses. Uncle Billy, a heavy weight, was in some manner hoisted on top of the heap of bedding along with frying pans and coffee pots, and early in the morning the cavalcade thus arrayed appeared at my place in Custer.

A party under Captain Jack Crawford, later of New Mexico, went to the battlefield, saw no sign of Indians, found the camp undisturbed and the two horses tangled up around a tree. Billy and Ben returned to

Rapid where a few days afterward the Indians besieged them for several days and stampeded all their horses. They managed in some way to get to a cabin in the hills where I found them in returning from my placer claim, and hauled their equipage about twenty miles to Custer. We met several miners on the way who said the Indians were running the loose horses away when they left town. This was too much for Ben and those with him who returned to their homes in Wyoming away from a country abounding with such every day excitement. They never returned.

A few nights after this, my ponies and several other horses were stolen by Indians or road agents, probably the latter. Being informed that two horses, suiting the description of mine, had been seen in a small park near town, I went out to investigate. While passing through some open timber, with the horses in view, I heard a couple of shots ahead, saw one man running down the gulch, and another who had been shot, limping after him. There were a few Indians running through the timber but they were too far away to waste ammunition on. Although I saw that the horses were not mine, I started down to drive them in, when I noticed several men coming out from town, prepared to shoot at me. I left the horses and hurried in their direction, waving my hat. For once I was in more danger from friends than Indians. Thus within a few minutes I had run two chances of being shot.

A friend named Metz, from Laramie City, came to Custer about that time and showed me a letter from his wife in which she said if he did not return for her she would come anyhow. Believing she would not be satisfied with the environment beyond a few days, I advised against her coming. She came however. In a few days she insisted on returning home, and he appealed to me. I warned him not to take her out

just then as the green grass was getting good for Indian ponies and they would very likely molest if not kill them, unless there were a large party of men going with them.

Warning was not heeded, and they with a colored woman and six or eight others started out and camped in Red Cañon that night near my camp of a short time before. Early next morning, he and the two women were killed by the Indians and the others fought their way to the cabin mentioned, some of them being badly wounded.

As reports from the Bear Gulch and also the Deadwood country were conflicting, in company with a party of twenty or thirty, I went to the former camp, which, not coming up to expectation, I left. I then started over the trail for Deadwood Gulch, Bill Hawley, former Sheriff of Carbon County accompanying me to Iron Creek, where we saw a man with two sections of a sluice box placed in the edge of the water in the creek which was high from rapidly melting snow. One man held or tried to hold the box steady while another shoveled gravel and boulders into it from the bottom of the creek.

As this was a new way of placer mining, we were both greatly interested in the performance, which was so ridiculous that we were obliged to laugh. I left them to make my way alone over a dim and hard trail thirty miles to where I found men cutting brush and timber off the townsite of Deadwood. Finding that placer gold existed here in large quantities, I hurried back to Custer, bought several wagon loads of goods, (investing every dollar I had), and loaded them with my other goods on Jim May's mule train (at five cents a pound) for the sixty miles to Deadwood.

Roads had to be made in places, marshy bottoms had to be corduroyed, and the wagons had to be let down

into Whitewood Gulch by ropes with hitch on stumps the marks of which were there for years. Perhaps they are there to this day. We were a week making that sixty miles and it was the first considerable train of goods that reached Deadwood. Here again I had another providential escape from death, for the roof of the building in which I had located temporarily, being too heavily loaded with dirt, collapsed, and converted into kindling wood the trunk on which I had been seated only two or three minutes before. I had stepped outside to hail a man and the margin between me and death was certainly not more than three minutes.

CHAPTER XXVIII

DEADWOOD IN 1876

As men in considerable numbers and a few women began to arrive in Deadwood, it became evident that the houses along Main Street would not be sufficient, and a few of us cleared the brush and timber along Whitewood Creek, laid out lots on each side of Sherman Street, and named it South Deadwood. By this time sawmills were in the timber and board building soon took the place of logs. The first impression, however, upon viewing both streets was that of a log town. Nothing was done that year to grade either street. Stumps, rocks, with now and then a pine log, cumbered both, for we were simply squatters on an Indian reservation without any law for at least fifteen months.

Everybody having property was busy protecting it, building houses and roads, prospecting, mining, laying off towns, fighting Indians and burying friends and a goodly number of bad men, and had no time to grade the streets which were left to the day when law would be in force. There was evidence that white men had many years before attempted to placer mine along Whitewood Creek above and below Deadwood, but seemingly they had never found that Deadwood Creek carried the heavy placers generally deep under the surface.

At the mouth of a gulch near the southern end of Sherman Street I stumbled over a decayed house, logs which had been cut off by a white man who was evidently a good axman. Opposite, on the hill side, numerous small dumps with prospect holes were nearly

filled up by wash from above. Evidently a cabin had been built on the bank of the creek and burned by the Indians when they killed or captured and carried away for torture, the men who occupied it. Two miles below this, where the road to Custer crossed the creek, the bedrock was near the surface and two or three claims were very rich. As early as it was when I reached there, I was shown the tray of a large trunk level full of buckskin sacks full of placer gold taken out at that place. Well back in the timber a mile or two east of this was a very old cabin. It is reasonable to suppose that the man who had been working here had found and taken out some gold, and although the Indians greatly feared the awful thunder and lightning prevalent in this place, they had finally discovered the gold hunters and either killed or captured and disposed of them at their regular camp some distance away.

In this way they became possessed of a considerable quantity of gold dust which they used a little at a time when trading at Fort Laramie, thereby giving rise to the belief that gold was known by Indians to exist in the Black Hills. Hence they had insisted in having their treaty in 1868 stipulate that no citizens should be permitted to settle north of the North Platte River or travel about in that country.

Down near Rapid Creek there was evidence of considerable prospecting by men who knew very little about the business. Probably the same party that had mined near the old cabin had started here and not finding anything, had moved up to Whitewood, where they were soon discovered and wiped out by the Indians. For sometime our mail was carried both ways on bull and mule trains which occupied from four to six weeks to go and come. My place was the main improvised Postoffice, Luke Vorhees using it for a short time after

coaches commenced making trips and before a regular postmaster was appointed.

When placer gold was discovered on Deadwood Creek (so named from dead timber) during the late fall or early winter of 1875, three mining districts were organized known as the Deadwood, Upper Whitewood and Lower Whitewood, the last being on Whitewood Creek, which was so named from the large number of white birch trees along its banks. Each had a constitution and by-laws and a recorder as usual in such cases. Claims were three hundred feet up and down the creek and from rim to rim on each side from the creek bed.

All claimants were required to represent their claim by at least one day's work each week. Here the human hog asserted himself again, for not satisfied with a claim in one district, quite a number of those earliest on the ground, staked off and recorded a claim in each district. When large parties of men among whom there were many experienced miners, arrived in the country, a near riot ensued, for they called and forced a general miners' meeting which was held in the open air about half way between Deadwood and Gayville, at which all those having claims were present with their Winchesters. The others, led by a large belligerent one eyed miner, were also present and wanted to cut down the size of the claims.

When assured that a general killing would occur if that were attempted the question was instantly settled, as no one seemed ready to die in that way. It was agreed that every claim must actually be worked and developed or be forfeited. The hogs either lost or sold two of their claims for small sums. One sold his claim number two, to the Wheeler Brothers. They extracted a large amount of gold, it being the richest claim on the creek. On seeing that he had reserved the wrong

claim and lost a fortune he quit the country in disgust. Thus ended the first attempted miners' rebellion in the Hills.

About this time, John Stoeber, a German from Cheyenne, who could have done well in Deadwood, came to me and said several men were going to the Big Horn Mountains and wanted him to go. I advised against it, warning him of the danger, especially where he did not know the men well enough to be sure they would all stand together in case of trouble with the Indians. Even if they would, I argued, their little party would probably never reach those mountains. And if it did they would still be in danger after reaching there. I tried to convince him that he could do a fine business by locating and getting hold of town property. The inducements I held out had no effect as the fever was on.

They started, going by the mining camp of Bear Gulch where the miners also warned them against the foolishness of their trip, but without effect. On they went, and when fairly out of the Hills and near Red Water Creek they met a small party of Indians. A few shots were fired. They ran one way and the Indians another, over the hill and out of sight and evidently kept on running. My friend, the German, was badly wounded and could not travel, so they hurried him into the brush to die, and like the Indians, continued their flight soon reaching the mining camp. A few miners went out immediately, found him dead and buried him. That ended such expeditions to the Big Horn Mountains for that year.

CHAPTER XXIX

GUN FIGHTERS, KILLING OF WILD BILL, TRAIL OF
JACK MCCALL, HIS MURDERER AND A JOKE
WORKED OFF ON SOME EASTERN WRITER

ALONG with the men who had come to settle and build up the country, came adventurers and a few of the sporting fraternity ever ready with the six shooter on slight provocation, especially when they were loaded with bad whiskey. Their advent as elsewhere insured early additions to our cemetery. With this element and Indians to deal with, guns and revolvers were in evidence and in easy reach everywhere.

Experience had taught those men to be judges of environment, which to them clearly dictated that the killing of miners or other peaceful citizens was an unsafe proposition and would not be tolerated for a moment, so like the fabled Kilkenny cats they fought out their disagreements among themselves. My long and varied experience with such men had convinced me that there was little or no danger from them, and that as long as a peaceably disposed man attended to his own business and was not hunting for trouble, he enjoyed their respect and confidence. Those of us who were men of peace outside of war times and its alarms, had enough to do as citizens to strictly attend to our own business without attempting to meddle with the affairs or the business of others and we thus avoided trouble with the lawless element.

As an example, I will give an account of a pistol duel witnessed from the door of my place of business.

Charley Storms and a man named Varnes fell out, the former saying, "Go arm yourself and come out shooting, as I will be there." And he was—with two sawed off "forty-fours" and a Sharpe's rifle! The firing commenced, several cartridges not exploding. At every shot he called to the other to come out from behind the running gears of a wagon, and when his revolvers would no longer work he threw them down and reached around the corner of the log saloon for his gun. Two men waiting there out of range, grabbed and dragged him in thus ending the affair.

Strange to say neither was hurt but a German bar-keeper two doors above my office was slightly wounded, falling behind the bar yelling, "I am killed." Varnes was killed out West somewhere and Storms at Tombstone, Arizona, both, as in nearly all such cases, finally finding men a little quicker with the gun than they. At Cayville a man was killed, creating considerable excitement and the first miners' court was organized to try the murderer. A jury was selected, the trial held and a verdict of not guilty rendered.

This led to and may have in some measure influenced Jack McCall to kill the famous Wild Bill Hickock a few days afterwards. On that occasion I had gone to Lead City, returning over the trail. Upon nearing town, I saw mounted men in squads going rapidly up and over the mountain to the valley. This meant Indians. I hurried down, knowing friends out there were in danger, and reaching Sherman Street, met a man who said Wild Bill had been killed or assassinated. Reaching the store, a miner named Andrews rushed in, saying the time had come when some action should be taken to stop such work, that Bill and he were schoolmates and boys together in Illinois, and he begged me to let the Indians go and help get the murderer.¹

¹ Wild Bill Hickock was the most celebrated of Western gun

We saw a large party of men in the twilight down the street, and going to them, it was found they had gathered to swing McCall to a pine limb, one of them having a rope for that purpose. The hanging, however, was suddenly abandoned and indefinitely post-

fighters. He served thru the Civil War, and drifted West and received a commission as Deputy United States Marshal in Western Nebraska. His first exploit was to ferret out a gang of murderers near Fairbury. The MacCandless brothers, who constituted most of the gang, suspected Wild Bill of being a marshal and attacked him in his cabin one day when his partner was fishing. Bill killed two before they reached the cabin, and two more in a hand-to-hand struggle inside. A fifth was so desperately wounded that he was out of the fight. The senior McCandless, the only one of the gang left, closed with Hickock, and Wild Bill's partner found both in the cabin apparently dead. McCandless had been stabbed thru the heart, but Hickock recovered from his wounds. He became marshal in Abilene and Dodge City, Kansas, in the days when those towns were the chief cattle shipping points in the West. These positions were by no means sinecures, and Hickock was compelled to engage in many gun fights. He killed a gambler named Phil Cole at Abilene, after Cole had taken a shot at him at close range. Cole was standing in a dark street and Hickock was in a well-lighted saloon, yet Wild Bill's shot was so accurate that Cole fell mortally wounded. Wild Bill's deputy, named Williams, hearing the shooting, ran to the scene of trouble. Hickock thought one of Cole's friends was approaching and fired in the darkness. He shot twice and both bullets took effect in Williams' heart. Hickock was almost unnerved when he found that he had slain his deputy. Cole's mother, a wealthy widow from Texas, offered \$10,000 to any one who would kill Wild Bill. Hickock was trailed for months by Cole's friends, but he escaped all the traps laid for him. Bill became a scout in several campaigns against the Indians, and was associated in this work with Buffalo Bill Cody. He became marshal of Deadwood in the stirring frontier days. He was shot by a man named McCall, who had no quarrel with him but merely wanted to be known as the man who had killed the famous Wild Bill. Hickock was shot while playing a game of cards, his murderer stepping to the door and riddling Wild Bill with buckshot. There is a monument to Hickock in the Deadwood cemetery where he is buried.

poned, when a Mexican came galloping up the street with the head of an Indian dangling by his side. They all gathered around the head cheering. That night one hundred and five business men met behind closed doors in Langrishes Theater.

To observe the proper formalities, I was selected to act as chairman. After stating the object of the meeting to be the organization of a second miners' court to try the case next day, I stated that if any man present were not in harmony with the movement then was the time for him to leave. All remained. It was decided the jury should be selected by making out a list of twenty names of miners from each of the three mining districts, the name of each to be written on a separate slip of paper and well shaken in a hat, the twelve drawn therefrom to be the jury, lists to be made by a committee to be selected by the meeting when court convened next morning. On motion I was elected Judge, Isaac Brown, sheriff; John Swift, clerk; Colonel May, Prosecuting Attorney, and Judge Miller, attorney for the prisoner. Both were able lawyers at that time, although without clients, for there was no law in force then or for months afterwards.

While willing to assume the responsibility, I refused to serve unless all those present agreed to be present with their revolvers when the court convened to see that a proper jury committee was selected and to remain through the trial and see the proceedings through to the end. I told them that if any of them would not do this, to retire immediately. Again all remained and by a rising unanimous vote pledged themselves. When the court convened the committee and jury were selected and sworn according to program.

Officers and everybody except the prisoner were armed, and the theater was packed with men. The prisoner was brought in and entered a plea of not guilty,

the trial proceeding under all the forms of law. Evidence of the killing by the prisoner developed an absolutely cold-blooded, cowardly assassination without any warning or extenuating circumstances whatever. Wild Bill had met his death while playing cards, the muzzle of the pistol being within six inches of the back of his head, the bullet coming out near the side of his nose and wounding the man he was playing with in the arm.

Evidence showed no provocation whatever and no motive save a love for notoriety, coupled with a full glass of whiskey taken in a saloon opposite, from which he could see the two players and the barkeeper, who were the only persons in the place. At noon the sheriff informed me that he had carefully listed those present who were in the meeting the night before and besides the officers only five had been present at the trial. For a moment I lost faith in humanity. He said there could only be a verdict—"guilty," to which I replied that I would do the sentencing in short order and expected him to be as expeditious with the immediate hanging. He assured me he would.

The prisoner, in way of bravado, made a statement that he killed Wild Bill because the latter killed his brother. This I knew was false. After arguments of counsel I charged the jury about sundown, and as the theater could not be used that night, the saloon where the killing occurred was selected as the place to receive the verdict, the prisoner being confined in a cabin immediately in its rear, in front of which stood a large pine tree having a limb just right for the hanging. Conferring with the sheriff, we agreed that he should select fifteen of his and my nerviest friends, arm them, draw a chalk line across the floor, leaving a few feet in rear for the court proceedings, place three of the men at the alley near by, to halt and, if necessary, shoot any-

body attempting to pass through, it being the only place accessible to the hanging from the street.

Then we would bring in the prisoner and the other twelve men, seat him between me and the clerk, have the men line up with a revolver in each hand back of the chalk mark (as that eighty foot room would pack full of men) and then bring in the jury. All this he arranged perfectly. When the prisoner was seated, his feet beat a tattoo on the floor, and his teeth were chattering. He was a pitiable object of abject fear. The outside space in the room filled with men even up to the chalk line and a pin could have been heard to drop.

When the jury was in place I asked the foreman if they had agreed upon their verdict. He answered yes. "Mr. Foreman," I said, "you will pass the verdict to the clerk, who will read it." The verdict was, "We, the jury, find the defendant not guilty." McCall hurried out through the back door and was soon on a swift horse, fleeing the country in the darkness with California Joe and Texas Jack, friends of Wild Bill, in hot pursuit. He escaped, was arrested a few days afterwards in Laramie City, Wyoming, taken to Yankton by the United States marshal, indicted by the United States Grand Jury, tried and hanged for the crime. While I was a member of the Legislature of Dakota, I was shown the four posts where the hanging occurred.

The Deadwood jury, though remaining in the country, immediately dropped out of sight and hearing, and not until a few years ago did I find one of them in Deadwood, who said the jury agreed that McCall was clearly guilty and their verdict a travesty on justice, but the cause for the verdict was the belief that the gamblers and real vicious element would run the country if their verdict were "guilty," one of the most absurd propositions ever advanced, for with ninety per cent. of good

citizens there would have been an immediate and general get-away of the vicious element or an early organization of a strong vigilance committee.

A few years after my return home, a friend saw a man reading a book on a train, who, upon finishing it, said he had believed the story true until he came to the name of a judge which he could not pronounce and certainly no man ever had such a name. My friend asked to see it, and seeing it was a purported life of Wild Bill and that the name referred to was mine, he invited him to get off at Cheyenne and be introduced to the man who presided at that trial.

Recently a correspondent of some Eastern paper or writer for some magazine evidently fell into the hands of the old South Deadwood practical jokers, who loaded him with miraculous stories. He wrote several Munchausen articles about the wonderful deeds of McCall and Calamity Jane, in one of which he described a ride McCall made to Custer City to rescue a friend whom he heard the vigilantes were preparing to hang. Near Hill City his horse played out and slapping his saddle on the horse of a camper's broncho by the roadside, was away like the wind, arriving just as his friend was swung up and dangling between heaven and earth. According to the story he jumped off with revolver in hand, cut him down and with two on the horse escaped on a run.

The facts are, that at that time there was not a vigilante at Custer, and if there had been, that committee would have riddled him and his friend with bullets instantly. Vigilantes never hanged a man until ready and then did it quickly. They did not wait for a messenger to ride sixty miles and wait for McCall or anybody else to come that distance, for there was no telegraph line in those days.

No attempted hanging occurred in Custer while I was

there and after my arrival in Deadwood, when McCall was not working in a placer claim he was loafing around town. The same writer lauded Calamity Jane for great deeds performed with the road agents in their stage holdups and then with the officers of the law in pursuit of the outlaws, and wanted a monument erected to her memory, instead of which Charity dictates that the veil of oblivion should be drawn over the career of that woman. Connecting her actively with the road agents or officers has no foundation whatever, in fact, as any one can see, she would have been put out of the way by one or the other in short order if she had been on the road with either.

Such recently hatched up stories are in line, however, with attempts to change names of mountains, streams and noted land-marks in this mountain country. For instance, an attempt is being made to change the name of the Seminoe range of mountains to Seminole, when the fact is, that range was named after Old Seminoe, a Canadian trapper who lived or camped near its north base. The word Seminole is in no sense applicable, for it is not even probable that a Seminole Indian was ever within hundreds of miles of those mountains.

CHAPTER XXX

THE INDIANS KILL THE STREET PREACHER SMITH

ON a bright Sunday morning, a few days after the McCall trial, the Reverend Henry W. Smith, our street preacher, started for the valley to hold services in Crook City. When three or four miles out, he was killed. This brought on a fight, on the day following, and the horse of an Indian being killed, the redskin ran into the timber and brush nearby, pursued by several men, with Isaac Brown in the lead. Brown jumped off his horse, rushed in after him and was killed. Charles Holland tried to drag him out and the Indian killed him. The others then ran away to Spearfish.

When a rescue party arrived on the scene, the Indian was gone. He had come out of a hole from which he had done the killing, had scalped them and stripped and carried away their best clothing. This was one of the most disgraceful affairs in all our Indian troubles. Two men who were late in getting out of town, when about two miles out, saw an Indian riding down the mountain through the brush. He had evidently been on top near and overlooking Deadwood and was probably the one who had killed our preacher. The white men both fired, killing the Indian's horse and breaking one of his legs, the horse falling on the other, pinning him to the ground.

Believing he was dead they went up the hillside to him, and when near were fired upon and one of them killed, the other instantly killing the Indian. It never was safe to rush into the brush after an armed man or

a wounded grizzly bear! Brown being a Mason and Holland an Odd Fellow, though we had no lodges of either order and no church organization, burial services were held at the grave of each and also at the grave of our Preacher Smith by several hundred members of churches and both orders and burial of the other two men who were killed the same day was not neglected, proper services being held.

At an election for the Legislature of Wyoming in precincts near the line between Wyoming and Dakota Territories, I was requested by the Democratic Committee in Cheyenne to go into that dangerous border land and take charge of affairs, this being at the risk of my life from Indians. Red tickets were sent me for that election purpose and I was notified to keep an eye out for my friend Judge W. P. Carroll, whom the Republicans were sending from Cheyenne. I arranged with the recorder to poll all the votes if possible for our ticket. Two former Cheyenne Democrats agreed to tog themselves out like Indians, secrete themselves along the only trail, waylay my friend and by rapid shooting and yelling, prevent his reaching the election.

They failed to do this and the night before election Carroll, weary and foot sore, walked into camp and, as I had the only extra bed, we slept together. At noon Carroll and I voted, his ticket being white. When the vote was canvassed, there was only the one white ticket, the others all being straight Democratic, and yet it has been said of me, "He is not and never was a Democrat." The Republicans in Cheyenne said it cost them four hundred dollars to vote Carroll.

I owned four lots in South Deadwood on which I had erected a building, and the one next to the corner was in jeopardy all the time until courts were established. Late one day I noticed a building standing across the corner lots with the rear flush with my line,

being jacked up for moving. I was notified that night by a friend to be early on the ground, or it would be back on my lot. Before daylight I was on my property with revolver in hand. When the owner of the building appeared he was greeted with, "This building can be moved into the street, but not an inch this way unless over my dead body or yours." Seeing there would be trouble and that he was caught red-handed, he suggested that he rent the ground for a fair consideration per month. This was agreed upon, a lease was executed and nobody hurt. Another party tried to jump another of the lots and erect a building thereon, but failed. Stakes were pulled up by me in his presence, thrown away and the miscreant gave me a promise not to try it again.

Three or four men undertook to jump a mining claim a few of us had located and upon which one was working. The jumpers tried to bluff him out of the mine shaft with a gun. He came to town that night and we hunted the men up and assured them of our presence on the claim the next and following days until our assessment work was completed. We wanted to see them try the bluff over again. Next morning we walked three miles to the claim through great snow drifts. While my partner worked I stood guard, burning up the jumper's stakes to keep warm, as they had not completed staking. They did not appear until the next night, when one of them came and said they had only been bluffing, and had quit. Neither they nor the lot parties seemed to recognize the fact that I, too, had run big bluffs and accidentally made them stick.

A few days after our minister was killed, Uncle Jack Langrishe, a theatrical man of no mean ability as a comedian, came into my place, stating that a couple wished to be married on the stage. As our minister was gone he wanted me to perform the ceremony. I said

that under the laws of Dakota they could stand on his stage or anywhere else in the presence of two or more witnesses and announce themselves to be man and wife and it would be a legal marriage, as it was a civil contract, and so recognized under the law. I told him that I could not marry them.

He then begged me, saying that we had been together in Colorado and Wyoming and were again united in the midst of exciting scenes, that he and his wife were having a hard time financially, and that I could aid them materially by letting him get out hand-bills advertising the performing of the ceremony by me, coupled with a good three act play. "We will have a packed house with people turned away," he said, and then the tears welled up in my old friend's eyes. This was too much for me and I consented, but he would not name the couple, as he was under pledge not to do so.

When the night arrived, the house was packed. After the play I went behind the curtain and, seeing the couple, was surprised to find the bride to be an old acquaintance from Carbon, Wyoming, and the groom a young carpenter from Cheyenne who had furnished some of the material and built the bride's little hotel, for which he could not get his pay, so they were balancing the account by the marriage. The curtain went up, the ceremony was speedily performed and when it went down the loud and long continued stamping of feet, clapping of hands and cheering created a bedlam never to be forgotten. The curtain had to go up again, revealing a side light tableau of the scene. The miners filed out cheering and made a night of it, gold dust flowing freely in celebrating the event. That ceremony was declared by the court to be legal to all intents and purposes.

A few nights after the killing of our minister and after the marriage ceremony, a shot was heard in the

town, and another man fell, shot in the back. It was another case of mistaken identity. A number came after me to try the case, but I refused to do so, as I did not propose another jury should palm off another farce on me. Then the judge was chosen and his selected sheriff undertook to force me to serve as a juror. He was informed that he had better try force if he wanted trouble, as I was going out to Cheyenne next day and would have nothing more to do with any trials.

The next morning a heavy Concord coach, the first one ever driven into the hills, and six other wagons all loaded with men well armed moved out on the road to Cheyenne by way of Custer. Before reaching Rapid Creek, Abby and Slone, two of the party, thinking we were moving too slow for them, pulled out and, after turning over the long steep hill extending down to the creek, saw an Indian gallop to the top of the hill. Abby let the horses out and probably such time never was made down a steep mountain as they made to a road house by the creek and they had not recovered from their fright when we arrived. They had been taught a lesson which caused them to hang very close to the rest of the party after that. The Indian going to the top of the hills, seeing us and calling the others to get out of the way was probably what saved them. The Indians had all vanished when we moved down the hill.

During the fall of 1876, and during my absence in the East a few men conceived the Quixotic idea of forming a new territory out of part of Dakota, Wyoming and Montana without any preliminary action on the part of Congress. They went so far as to attempt the holding of an improvised election for a delegate to press claims therefor in Washington. One man was prevailed upon by a few jokers to be a candidate. Upon my return I was asked to join in the movement. The absurdity of the proposition was so great that a few of us

soon had it sidetracked for the time being, but a few others kept it in sight. Finally discovering that an attempt was being made to use it for purposes affecting our local political affairs, I joined with other Democrats to control the movement and succeeded in doing so after a spirited fight. Then nothing more was heard of the new territory.

CHAPTER XXXI

SETTLEMENT OF SPEARFISH VALLEY BEGINS. INDIAN FIGHTS AND CAT STORY

JUDGE W. W. BRADLEY and brothers, along with other comrades and friends of boyhood and war days and several Montana men, conceiving the idea that farms or ranches in the Spearfish Creek Valley out on the plains would become valuable, congregated on the ground where the town of Spearfish is now located, and notwithstanding the great danger from Indians, located and built houses on their claims. They requested me to aid them in forming a town company and laying off the town site. I did this and was made president of the company.

After two or three buildings had been erected, one being wholly of oak logs and called the City Hall, we advertised a company meeting and drawing for lots. Fifteen or twenty men, among them three squawmen from Red Cloud Agency, went with me from Deadwood. While holding the meeting in the afternoon a shot and the cry of "Indians, Indians!" was heard. We rushed out of the city hall for our guns and commenced running toward and shooting at them, as they were trying to stampede all the horses except mine and one other horse whose owner was, under my instructions, grazing them near the Hall. Our bullets soon forced the Indians to run away from our side of the horses before they could get them.

They managed to cut out and get away with the squawmen's ponies, which they no doubt knew. There

never has been any doubt in my mind that the two or three bands of twenty or thirty young bucks we had to deal with all summer, by whom more than forty of our men and women were killed, and much property destroyed, were Agency Indians who were being fed and clothed by the Government partly at our expense. This band was clearly from there, as they had on Agency clothes and the squawmen were sure of their identity. No doubt these squawmen eventually recovered their ponies, although ten of us failed to recapture ours. We pursued the Indians several miles or until darkness hid them from view.

We probably saved four or five of a Montana party who were cutting hay. They had barricaded themselves and were fighting another band which had them surrounded. When this band saw the Indians we were pursuing they hooked up and all disappeared on a run. Some readers may think the charge of inefficiency made by the settlers against the Agency unjust, but the fact remains that the Indians were enrolled and drew rations at the Agency every ten days, spending the interim fighting, abusing and killing the settlers.

They could report, draw rations, slip away that night and be in the Hills country seventy-five miles away on the second day. There they would run off stock and kill our people and have ample time to return and be on hand next ration day. Now and then one of our bullets would settle the ration question. The night we pursued the Indians, three of us rode to Deadwood, arriving at daylight. We immediately tried to get Red Clark to bring in the herd of horses off the Centennial Valley in order to mount a sufficient number of men to find and wipe out the temporary camp of that band of Indians, or to run them into the Agency or force them to miss ration day, which would be fatal to their raids. I had the men, arms and ammunition, but he refused

to bring in the horses and lost them all a few days afterward.

The neighborhood of Spearfish had been a famous Indian camping ground, as piles of old Tepee poles and now and then a skeleton in a tree were to be seen. For that or some other reason they were more persistent in the attempt to prevent settlement of that valley and the town than any other. Many were the narrow escapes of the brave pioneers who lived through it all. I remember that two men in a wagon were attacked and one of them badly wounded. He managed to keep the horses moving and sometimes running while the other did the shooting and they escaped.

In the midst of all the excitement and danger the Bradley brothers crossed the country for one hundred miles marking a road to the one leading from Deadwood to Bismarck. Miraculously, they returned safely, owing to the fact, no doubt, of their selecting the time for the trip when the Indians were drawing their rations and exhibiting scalps to squaws at the Agency. Finally a company of soldiers was stationed in the town with James Bradley acting as guide and scout. While camped beyond the Belle Fourche River the Lieutenant sent two wagons and a squad of soldiers back after supplies. They were attacked and escaped in the brush, the Indians taking the mules and running away.

When the soldiers reached camp, the march for the hold-up was hurried, camp being made near the wagons. Whitbec, correspondent of the *Chicago Times*, was along and in relating what occurred said: "I noticed that Bradley's saddle was seldom off his horse in daylight and I was warned to do likewise. Camp was astir at daylight next morning. The lieutenant taking all the soldiers save three or four, crossed to the deserted wagons to hook them on to others. Bradley buckled on his pistols and saddled his horse quickly, telling me and

the soldiers to do the same, as we were liable to see more Indians soon. We did see about thirty appearing on a hill nearby. Like a flash Bradley was in the saddle charging them, shooting and yelling with the soldiers and myself close behind doing the same. The Indians broke and were running as far as we could see them and we saw them no more on that trip."

While saying nothing to this, my memory was busy with many recent war scenes of similar character in the school of which Bradley had been an apt scholar and soldier actor of no mean ability, fitting him for the fight of that morning and many other skirmishes in which he was a participant. Such were a few of the many stirring events which occurred in laying the foundation for the beautiful town and valley of Spearfish. Settlements were made and towns built in other creek valleys under similar conditions and excitement.

It can be truthfully stated that a large majority of the men who were the pioneers everywhere in the Hills were above the average in ability, and considering all things, especially the absence of the restraints of regular laws (until the spring of 1877), they were, with few exceptions, disposed to deal justly with their neighbors and recognize others' property rights. As an example of this, on my arrival in Deadwood, my spring wagon was placed in the brush back of the store and remained there for two or three months or until a man came in and wanted to buy it. I sold it to him, provided it was there. It could have been taken away any night by him or anybody else. I have been in one mining camp in Colorado since then where it would have been missing after the first night.

One exception to the foregoing is remembered. When the soldiers had, in the fall of 1875, gathered in the bull pen on the site of Custer City, nearly all the men in the Hills had been ordered back to Fort Laramie,

and it was found that there was no means of transportation for their belongings. Two of them were selected and left to guard the material which was listed and stored in the stockade buildings. When an inventory was taken later, it appears that a quantity of the material was gone.

A few days after this, and after my arrival, five or six Chinamen came into Custer. There was immediate excitement, and a miners' meeting was called for the purpose of forcing them to return to Cheyenne next morning. It was my first service as chairman of a miners' meeting. Resolutions were adopted providing that no Chinaman should be permitted in that mining camp and it would not be good for those in the camp to be in the District when the sun went down next day. Then a belligerent miner arose and preferred charges against the two guards, whom he verbally flayed in no choice language, ending by introducing a drastic resolution which I ruled out of order on the ground that the subject matter did not appear in the call for the meeting and that as law abiding citizens they should consider the courts the proper tribunals to adjudicate their cases. I suggested that the chair would entertain a motion to adjourn, which was made, carried and so declared before the leaders of the two factions recovered their second wind.

As the Hills country was short on cats for some time after we commenced settlement and development, a man, having an eye to business and willing to take a chance where he could lose only his time and camp expenses (if his venture as a cat merchant failed), gathered together a great wagon load of Toms and tabbies of every brand, breed and color and transported them to Deadwood. Upon his arrival eager purchasers gathered around the wagon and bought his whole cargo at five dol-

lars each as fast as he could hand them out, thus enriching him to the amount of several hundred dollars and laying the foundation for stocking the Hills everywhere with mousers of high and low degree.

CHAPTER XXXII

ORGANIZATION OF LAWRENCE AND TWO OTHER COUNTIES IN THE HILLS. FIRST ELECTION AND MORE EXCITEMENT

THE Legislature of Dakota provided for the organization of the county of Lawrence with Deadwood as the county seat. Here Governor Pennington made a mistake. Being a carpetbagger himself, he believed it a Holy Act to create a new precedent by appointing men from Eastern Dakota and Iowa, who never had been in the county, to all the county offices save two, the Sheriff and Judge of Probate. The appointee to the latter office was the undoing of the whole scheme. Such appointments and the organization was perfected under general protests of the people of the county during the spring of 1877.

The general election of country officers throughout the territory was not due until November, 1878, giving the carpetbaggers, as they believed, a lease on the offices for eighteen or twenty months, but the law also provided for an election under certain circumstances in the following November. Seeing a loophole in this whereby we might be able to unload them one year earlier, a few of us petitioned the county commissioners to designate precincts, call an election and provide generally therefor. The organization laughed at the idea and refused to do anything of the kind. At that time there were fully five thousand voters in the county, three-fourths of whom were politically, as well as otherwise, opposed to them. Court being in session we man-

damused the commissioners and they were ordered to call the election—which they reluctantly did.

It was warmly contested, resulting in complete Democratic success. I was then appealed to for the next move. The law provided that the Judge of Probate should approve the bonds of the County Commissioners elect and they should approve those of all the other officers. As the Judge of Probate was fortunately one of our people, I advised the new Commissioners to have him approve their bonds, have themselves sworn in, and at one and the same time approve the bonds of all the others, they also taking the oath of office, each being thus legally qualified and ready to demand his office.

This they did and were turned down. Knowing the Judge lived in Yankton, more than a thousand miles away by the usual traveled route, and that he was at home and had virtually, as an act of justice, at least committed himself by ordering the writ of mandamus, I advised them to immediately gather their friends, again demand their offices and if the carpetbag incumbents refused, to throw them out and take possession. Then the offices were promptly turned over and under protests and threats by some to appeal to the court, which they never did. Thus without bloodshed the change from carpetbag to a people's county government was effected.

A short time before the appointments as related, the road agents stole a fine young horse of mine out of the barn on my ranch near Cheyenne, of which I received notice by the first mule train arriving. The livery men were all notified at once to keep an eye out for him. About daylight one morning I was notified by one of them that he believed the horse was in his stable, and to go and see the brand on him, as there would be no one there. I went over and recognized him all right and hunting up the Cheyenne trainmen

who brought the letter and knew the horse and brand, told them to buckle on their pistols and hurry with me to the stable, as there was no time to lose. Upon nearing it, they pulled their revolvers. Reaching it, they lined up opposite eight or ten villainous looking road agents, some of whom knew me. I hurriedly walked back, untied the horse, pulled my revolver and led him out. Not a word was spoken nor a hand raised, they realizing it was not safe to say or attempt to do anything.

A number of men who were with me on the Big Horn expedition came down from Montana in 1876. One of them owned a large flea-bitten gray horse. Somebody stole and dyed him black, leaving not a sign of white. He trailed the thief around through the hills, finally finding his horse in a brush shack near town. Then he came to me and I advised him to get some of our old boys and take the horse. He was afraid of the law, and I told him not to fear, as there was no law there except squatter law, backed up by a gun or rope in the hands of just and upright men. They secured the horse and after much scrubbing he was restored to his peculiar and original glory of color. No claimant appeared, as ropes were handy.

Amidst such exciting events I was seated in my office in 1877 with two old friends when a messenger came in with a telegram which notified me that a horse had just run away with and dragged my baby boy to death in the streets of Cheyenne. I could not speak, and they, seeing my great trouble and the news in the telegram, were also speechless and could only wring my hand and depart in sorrow. His unfortunate death was caused by a man placing him on a man's saddle and on a vicious horse with his feet in the stirrup straps, and I never see a boy riding with his feet in such straps that I do not warn him to take them out—and I always

hesitate about opening a telegram. His untimely death has always remained the most sorrowful and heartrending event in my life. Years afterward the man who placed him on the horse was supposed to have met a violent death, when a span of horses ran away and threw him out of a buggy.

There was a great placer mining excitement near Hayward in the southern Hills. Tom Durbin, a Cheyenne friend of mine, became excited over it and insisted upon my going with him, as he did not know the way. Having good reason to know that it was all excitement with nothing in sight, to accommodate him we went through snow and great drifts, arriving in a storm at the cabin of Jack Barnett and other Montana miners, partners of mine in placer claims on Rapid Creek. They said they had found the ground staked up and down the Gulch for a long distance, with many claims recorded in the names of Iowa friends of the recorder, none of whom had ever been in the Hills, that a miners' meeting had been called and would be held next day and I must act as chairman. This I refused to do, as there was nothing there and I did not intend to record a claim.

They had reached bed-rock and, finding nothing, were running a cross drift and would immediately pull out if they as good miners failed to find pay. Next morning both sides insisted upon my service as chairman, which I finally, with great reluctance, consented to do. The meeting was called to order in a large log building having a dirt floor with a fire place nearly as wide as the rear of the building. In front there was a board on each side of the door representing a store counter and a saloon bar respectively. To preside with proper dignity, I was compelled to stand on the end of the store counter. Owing to the wintry weather and from experience knowing how to be comfortable without reference to my general appearance, my outward apparel con-

sisted of an old heavy overcoat with high collar, rough well worn pants, heavy overshoes, the worse for wear, a large peaked cloth cap and with face and hands the color of mahogany from standing by pitch pine camp fires, all giving me a ridiculous appearance, but comporting favorably with the appearance of the fifty or more miners and others present.

Standing all day with a large stick in my hand, with which to keep order, and having a turbulent lot of men to restrain, made more unmanageable through the dispensing of whiskey over the other counter, I found it by far the hardest of the many meetings over which I have presided and one which I could never forget. As per agreement, I appointed two members of a committee, one of each faction, to report upon the question of opening the ground for re-location as a whole or only in part, such being the issue. Those two selected the third member of the committee and we were ready for business, revolvers being generally in evidence.

Motions followed each other rapidly; oratory flowed swiftly, like the whiskey across the opposite counter. The dirt floor was soon a mass of soft mud from snow melting on overshoes. A box was placed for Tom Hooper, a lawyer, who mounted it to make a speech. Becoming too long winded somebody kicked the box and Tom toppled over in the mud, jumped up and wanted to fight—the big stick came down on the counter, the chairman saying, “None of that.” Several times it had to be used in the same way, with a threat to quit as chairman to prevent a general mixup. Finally the committee reported that all residents in the hills who had staked and recorded claims should retain them, this including the Recorder’s son, a boy of fifteen years of age. All claims recorded in the names of non-residents were to be thrown open for re-location.

The report was adopted by practically a unanimous vote, I was thanked for presiding and the meeting adjourned as the shades of night fell. All seemed satisfied with the result, but a few days afterward a man rode with the Recorder to Barnett's cabin, and, on approaching, noticed Barnett standing in the door and saw the Recorder get his pistol out and hold it down by his side. When near the cabin, he called Barnett out and after a few words the Recorder shot at Barnett, who in a flash drew his revolver and shot the former off his horse. The Recorder tried to shoot again after he fell, but was prevented through Barnett placing his revolver against his head with the command to drop his pistol. He was carried into the cabin, where he soon expired.

Thus virtually ended the few days of great mining excitement over a projected placer mining camp, which was conceived in fraud, as there was not the slightest indication of any placer ground that would justify the payment to the Recorder of his fee for recording a claim. The Recorder in this case was a new man in a mining country, without knowledge of its ways, while Barnett was an old hand in the business, a great hunter, a deadly shot and well versed in every phase of strenuous western life. He had years before this, as a resident of Montana, erected a hunter's cabin in the Yellowstone, now the National Park in Wyoming, of which, I believe, he was the first superintendent.

It is related that when the Surveyor General and his party visited the Park country in 1870, one man, becoming disgruntled about something on the morning the party started on their return to Helena, remained behind. It was claimed that at noon one or two went back for him but could not find him. Upon their arrival in Helena they telegraphed and found he had not

reached Bozeman. Then they became alarmed and telegraphed to Salt Lake for Barnett, who finally reached his cabin and commenced the search.

In telling me the story, he said he was confident the man would go to the top of a certain bald hill or peak and upon reaching there he found signs of his having been there and followed his trail. He found him on the thirty-seventh day from his quitting the party crawling slowly up to a ledge of rocks, where he would probably have died that cold night. He had a small willow stick in one hand, to which was attached a twine string with a pin hook on the other end. Barnett spoke to him, then shook him and found he could not speak or understand anything. Picking him up, he threw him over his shoulder and carried him to his cabin about three miles away, where he carefully worked with him for a week or ten days, then rigged two stout poles on each side of two mules tandem style, with ample space between them for a swinging cot, and carried him out to his friends in Helena.

The man could not remember anything about his wanderings or how he lost his horse, gun, pistol and other belongings. As the horse never was seen coming out of the park, Barnett believed the man tied him securely to a tree in the thick timber, climbed to the top of some hill, went down on the other side and failing to find him, the horse starved to death. It seems incredible that any man well mounted and armed, with the choice of two fresh trails before him, could get lost, yet I have known men who could not be trusted out of sight of camp, while others could not become lost anywhere unless it might be in a dense fog or raging blizzard.

At that miners' meeting, Whitbec, who had arrived in the country as correspondent of the *Chicago Times*, being new to the ways and dress of men in a prospective new mining camp, seeing only the humorous side of my

ludicrous appearance and that of others, wrote an article for his paper giving a lurid description of the meeting, coupled with a few uncomplimentary remarks caused by jumping at conclusions without investigation. It was rich and racy reading, but the management was immediately waited upon by two irate Deadwood men who happened to be in Chicago. They demanded a retraction in my case and then, no doubt for the first time, Whitbec realized the change of environment surrounding him, for directly afterwards he located at Spearfish and, being invited by Jim Bradley to visit me in Deadwood, said he had made a great mistake in my case and was doubtful of his reception. Being assured that I would probably never refer to the matter when he finally located in Deadwood, he became and remained one of my most active and warmest friends.

CHAPTER XXXIII

ELECTION AS A MEMBER OF THE TERRITORIAL COUNCIL OR SENATE OF DAKOTA. SOME HISTORY OF THE SESSION AND COURT STORIES

AT that election the three hills counties, Custer, Pennington, and Lawrence, had a voting strength of more than seven thousand in a total vote of nineteen thousand in the Territory. Six thousand of these votes were in the latter county. The three counties were jointly entitled, under the apportionment law, to two Representatives and one member of the Council or Senate and in addition they were attached to four counties east of the Missouri River, two hundred miles away with an Indian reservation between. Not a fair apportionment, by any means, for either Council or House, and not calculated, when connected with the carpetbagging of the three counties, to create any great degree of brotherly love between the two sections.

I was elected to the Council or Senate. Realizing that mining and other laws only applicable to our section would have to be secured through special legislation, as the then existing laws only applied to agricultural communities, I at once set about preparing bills covering every desired feature seemingly needed for our mining country, all of which were completed and in my trunk when I reached Yankton, three days before the session.

The night before my departure from Deadwood, Colonel John Lawrence, for whom the county was named, came to my room and begged me to prevent a change

of its name, acknowledging at the same time that he had used every effort to defeat me, as he was one of the carpetbag county officials I had helped turn out of office. Seeing his distress, and believing he had suffered sufficiently for the official misdeeds of a carpetbag Governor, he was assured there would be no change of the county's name if it were possible to prevent it. He then gave me a letter of introduction to Pettigrew and advised combining with him, as a fight between him and the carpetbag Territorial officials was a sure thing. This was like music to my ears, as more fighting with that element was in sight.

He left me with tears of happiness welling up in his eyes, and I was no less happy over his information, for it opened up wide the course to pursue in a legislative body in which my party had only two senators and three members of the House. Immediately upon my arrival in Yankton I interviewed Ex-Governor Edmunds, a Senator, who said he had opposed carpetbagging our counties, and that I would be President of the Council but for my politics. He said that he intended to move, in their caucus, for the three northern members to select which of them should be President. This was great news to me.

The next day while sitting in the hotel lobby a man with a boy arrived, registered and went to his room. The register disclosed that he was one of the northern Senators. On his return we were not long in getting acquainted. Without seeing either of the other two, I intuitively felt that he was the man needed to aid in my work. Whilst he wanted the position, he said it was useless, that I could not be in their caucus, and therefore could not help him at the critical moment. I explained that it was virtually settled then without my being in their caucus, and I begged him to let me work him into the place. He finally gave his consent.

Nearly all the other members came in together. I presented my letter to Pettigrew, who remarked that we could work together and make common cause, as we both loved carpetbaggers so. To the suggestion that he be President, he refused absolutely. Then he was informed of the Edmunds proposition, and the Grand Forks or northern man I had selected as the one we needed. I introduced him to the latter when he agreed to second the Edmunds motion. With the Democratic House member from Bismarck, we soon had a pledge from the Bismarck Senator to vote for our man, when they were sent out to select which should be President. Then I got the Grand Forks man in my room and labored with him to vote for himself, as the Fargo man would certainly vote for himself and he must do the same if he expected to get the position, finally citing a precedent in the case of S. F. Nuckolls, who voted for himself for the same position in Wyoming when there was only one majority of Democrats in the Council.

He then agreed to vote for himself, resulting in his election, and his course through the session demonstrated that I had made no mistake. Upon his return from the caucus, at his request, we went immediately to my room, where he was profuse in thanks and insisted upon my making up his list of committees and that I place myself on every committee. Not being a hog, I refused to do the latter, but made out the committees, placing myself on the ones which were essentially necessary to accomplish my legitimate purpose.

It soon became evident that the carpetbag ring would attempt to run everything as they had done previously. Twice Pettigrew had been elected to the Legislature by two or three hundred majority. Having the power they seated his Democratic opponents. The last time, however, he worked up a majority to seat him and on the last day they managed to hold the Council in continu-

ous session until the President was compelled to go out, and, unfortunately for the ring, he placed a Pettigrew man in the chair. Instantly the Democrat was unseated, Pettigrew sworn in and seated, another President was elected to fill the vacancy declared and as he was taking his seat the then Ex-President returned and grasping the situation accepted it philosophically.

To prevent the seating of a third defeated opponent the Republicans of Pettigrew's county agreed that they would not nominate a candidate against the Democratic nominee for county clerk, if they would not nominate a candidate against him for the Council. He therefore had no one to contest his seat when we met. Every one of the many bills I drew or introduced were passed and became laws except two. Several of them went over the Governor's veto, nearly an unheard of thing prior to that session. In the case of some recent vetoes submitted to a Legislature not a thousand miles from this bailiwick, it would have been a pleasure to me to have been a member and to have forced every member on record on a yea and nay vote on a number of vetoes.

The fight waxed so warm that the good old Governor, an invalid, was finally influenced to veto my bills and Pettigrew's on general principles, and we, in like manner, were greatly pleased in being able to ride his prejudiced dictatorial and illegal vetoes. At that time, as the exemption laws were extremely liberal, several bills in the way of amendment were killed in the House. As a joke I finally introduced an amendment as a rider providing for exempting all fire apparatus from taxation. They killed it like the others because of the word exemption, and that settled all hope of doing anything along that line.

Several amusing stories of matters connected with courts in that part of Dakota were related and, though ridiculous in the extreme, were declared to be facts.

Two Frenchmen had wood for steamboats corded on the bank of the Missouri River, one of them selling his to the first boat that came along. While it was being loaded he was sitting on a stump when the other wood merchant appeared and wanted to know if he had included his wood in the deal. On being informed that he had not, the other shot him off the stump, killing him instantly. He was arrested, tried, convicted and sentenced to be hanged on a certain day. There being no jail, the sheriff put him to herding cows and either accidentally or on purpose allowed the day set for the hanging to slip by.

A vacancy occurring in one of the District Court judgeships, a warm political friend of the then delegate in Congress importuned him to secure his appointment to the position. They afterwards fell out when the delegate said that when he urged his appointment, Mr. Grant in his dry way asked if his man knew any law, which stumped him for a moment. Getting his wits together he answered by saying "he could not say that he knew very much law, but he was hell on equity." He was finally appointed, just as many other incompetents have been honored in like manner by every administration.

One of the District Court Judges was indicted for malfeasance in office in accepting a bribe. When arraigned before one of his associate Justices, his attorney moved to quash the indictment, after argument by the attorneys on both sides. The judge put on his glasses and, looking down at his associate, the prisoner at the bar, said, "Judge, if you were entertaining this motion, would you sustain it or not?" Of course the prisoner said he would sustain the motion and it was so ordered by the court. The prisoner and his attorney walked out smiling, and before the next term of court, one of the main witnesses died and the other was

induced to leave the Territory. Thus the accused Judge escaped the penalty for his crime.

Being in Washington years afterwards I happened to go into the National Hotel, where I found a large number of men in the lobby, and among them several of my Eastern Dakota friends. Stories of the pioneer days in the Territories were being related. It was finally my turn to relate some incident and, remembering the above, I told it to the great delight of all those assembled, except my friends from Dakota, who tried to deny it. One of them, a stranger to me, said, "Boys, the story is true, for I was the clerk who made up the record of the motion being sustained as stated." A strange thing happened to that Judge, for he was afterward appointed to a very important position in another Territory, where he became a defaulter to the Government to the amount of several thousand dollars, lost the office and left the Territory. It was said that he was given an office in another Territory, which, if so, would seem to demonstrate that he had a firm grip of some kind on some very influential public man who dared not try to ignore him.

In the settlement of all the Territories of our country, the population of the counties in the beginning was generally small, and owners of little property, and it was often hard work for officers without court houses or jails, and no money or credit, to carry on a government. Dakota and Wyoming were no exception to such conditions and it is therefore not surprising that cases as those related should occur.

This brings to mind a criminal case tried in a Justice's court in a certain State where a man plead guilty to having stolen certain personal property. Witnesses were introduced by both sides to fix the value. Two reputable business men testified that they had recently offered forty-five dollars for the property and would

take it then at that price. Two or three others swore they believed the value to be fifteen dollars. The Justice fined the prisoner ten dollars and costs for petit larceny. While the prisoner and friends went out to consult, the owner of the property walked up to the Justice and said: "This is the second time you have double-crossed me and I will not stand for it, the price offered fixed the value and you know it." The Justice said he had not entered the judgment in his own docket, called the prisoner in, and reversed himself by sentencing him to jail for six months for grand larceny, and the prisoner having no attorney submitted to the sentence.

Another Justice of the Peace rendered a judgment in a civil action against a man who clearly established the fact by abundant evidence that he never at any time was a party to the suit under the greatest stretch of imagination. This judgment was evidently based on the ground that he should be held as a party because the amount could be collected from him while it probably could not be collected from the other party. This case was appealed and would have been fought out in the District Court if the plaintiff had not settled it out of court, for the amount originally offered by the latter in settlement of the original business transaction between them.

CHAPTER XXXIV

ROAD AGENTS AND THE KILLING OF JOHNNY SLAUGHTER, A STAGE DRIVER

DURING the early days in the settlement of the Black Hills, after the Indians had no longer to be contended with, it had become safe for the light fingered gentry (who like the Buck Indian, scorned to work) to branch out more openly in their operations as Road Agents. Having confined themselves mainly to horse stealing, one of the parties or gangs conceived the idea of setting the precedent for stage hold-ups and making a profitable haul of valuables from passengers. They therefore waylaid the coach near the mouth of Gold Run Gulch about two miles south of Deadwood near the hour of eleven o'clock at night and attempted to halt Johnny Slaughter, the driver. Upon his refusing or failing to stop they shot and killed him, causing the horses to run away and endangering the lives of the coach load of passengers several of whom were women.

It was one of the most cowardly attacks on a coach among the many that occurred, the driver being absolutely defenseless. In this case the life of a fine young man whom I had known as a small boy in Cheyenne was sacrificed by the hand of some one engaged with others in securing money without working for it that they might use it for all kinds of vicious purposes. This reminded me of a remark of my father's in the way of advice that "The world owes no man a living unless he works for it. Watch any man who says or thinks

it does. Idleness leads to vice. Always be a doer of things mentally or physically if legitimate, honorable and honest no matter whether the work be of high or low degree." Every boy of the present and future generation would do well to heed such advice.

Nearly, if not all, of the several gangs of Road Agents which infested the Black Hills country died with their boots on. One of the first of the lawless road agents who attempted to hold up a coach died thus by the hand of Boone May. He was a man who conducted a butcher shop next door to my place of business during the summer of 1876. Evidently the lure of getting easy money was his undoing.

The stage company provided an iron clad coach with an iron safe bolted down inside for treasure and valuables, and armed guards were also provided. Upon the arrival of this coach at Canyon Springs, outward bound, it was held up by the Carey band of road agents and secreted in the stable. The stock tender had been tied and gagged. The shooting commenced, one of the guards toppling over behind the safe and remaining there though not wounded. Campbell the telegraph operator was killed and Lee Hill a nephew of the Mays was seriously wounded. He and Scott Davis treed at once and fought until the latter seeing that he was left alone and that the gang could not be dislodged, escaped, and sought help, soon meeting Boone May and others coming up the road from the next station. Boone May had surmised something was wrong as the coach was not on time. They hurried up but found the safe looted, the road agents gone and Hill in bad shape.

Luke Vorhees, the superintendent, soon had parties in the saddle in pursuit, but with small success. One party found a camp which some of the robbers had just left in a hurry, leaving behind a small bar of gold bullion picked up by Whitefield. This circum-

stance materially aided him in his election to the Legislature by a small majority soon afterwards. One of the road agents, the son of a prominent business man in Iowa was traced home, arrested and in some manner got away from the man having him in charge while on the way to Deadwood. Such is the famous story of the Canyon Springs robbery, as remembered after thirty-three years.

As Carey and some of his gang who was said to have been badly wounded in the groin, were never heard of afterwards it is reasonable to infer that they were overtaken and put out of the way without special formality. Jim May and others found and surprised a camp of road agents near the head of Spearfish Creek, killed one and wounded another as they were fleeing. The latter lingered for sometime before dying and the skeleton of the former was found in the timber later on. The unfortunate road agent had been a prey to the wild beasts of the Hills.

A hold-up occurred on the Cheyenne road near the line between Dakota and Wyoming, and two of the supposed agents were caught and taken to Cheyenne. As there was doubt about the crime being committed in the latter Territory, a couple of men were sent down for them. After supper had been served at the Rustic Hotel at Fort Laramie, the coach moved out across the North Platte River and entered the bottom of scattered cottonwoods. When near the present Burlington Railroad track, at the word "halt" the driver quickly responded, as indeed all did after the killing of Johnny Slaughter.

One or two men passed by and made the two prisoners get out. They tried to hang them to a cottonwood limb, and failing in the attempt the guards climbed out of the coach and helped pull them up where they were found dead and cut down next day. The guards

returned to the coach which moved on and upon their arrival in Deadwood they reported that they had been overpowered and had lost the prisoners. The verdict of the coroner's jury was that the stage coach robbers had come to their death at one end of a rope manipulated by parties unknown. Thus was another chapter added to the many tragedies enacted on that road.

On the same road and at the six mile Ranch south of Fort Laramie, my friend Adolf Cuney, a deputy sheriff, was killed by some of the lawless characters whom he went there to arrest. The parties engaged therein were never apprehended. James Hunton, a brother of Jack Hunton, the latter an old time resident of Wyoming, left the latter's ranch at Bordeaux on the same road on the 4th day of May, 1876, and was killed during the afternoon of that day in what was known as "the notch" or extreme western part of Coshen Hole. He was killed by three Sioux and two Cheyenne Indians, who had stolen all of Jack Hunton's horses and mules that night.

A friend of mine was sent from Cheyenne to deliver poll books for the Sand Creek precinct over the line in Wyoming. Upon his return to Deadwood he said there were heavy rewards offered for the famous Jesse James and Jack Bishop, the latter having killed a prominent mining man in Colorado over a mine dispute, that they were in camp a few miles from town, and that he and a former Cheyenne man were going out and get them.

Having good reason to believe that neither of them were in the Hills and knowing that neither of the parties knew James or Bishop when they saw them, I warned them against sneaking up through the brush and timber and shooting down two innocent men. I argued that if these men were in camp as represented, James would kill both of them if they appeared openly, and would not hesitate a moment about it. It all turned out to

be a false alarm, however, and the famous bandits were not seen in that part of the country.

Hearing a pistol shot opposite my room one Sunday afternoon I hurried to the window and saw Boone May and another man shooting at each other with a Deputy Sheriff wearing a linen duster jumping up and down near one of them. The guardian of the peace would run into a store and out again without trying to shoot the near man whom he tried to arrest. Either he was not armed or he had, like the hunter seeing his first deer, forgotten that he had a gun. It was miraculous how he escaped being shot by the man near him or by Boone May.

When the fighter's pistol would no longer work he jumped a drain ditch and as he did so one of May's bullets caught him in the shoulder. He winced, but ran across to the postoffice, mounted a horse hitched there, and started on a run up the street. May continued shooting again as soon as the other cleared the people in front of the postoffice. Another deputy sheriff killed the horse from under the man when he jumped up and snapped his pistol in the face of another Deputy, and then a bystander knocked him down with a rock and they captured him. Seeing that May, who was raised in my old Missouri county, was wounded in the arm, blood flowing freely, I hurried down and helped him into a doctor's room adjoining mine. Soon the bullet was out and his arm in a sling.

All this occurred over a stage hold-up over the line in Wyoming, a few nights before, the Duster Deputy and May being in the coach with others. May's story was that when he heard the command "halt," he wanted to jump out and commence shooting, but the others prevented it. When they were lined up, the man whom he had just threatened, rubbed a pistol in his face, cursed and threatened to shoot him. Seeing him and

another man together in town he and the deputy agreed they were two of the hold-ups. However, the two men managed to separate in a crowd of people. Seeing the man hurriedly making for Sherman Street they rapidly followed, and as he turned the corner on to that street, the deputy becoming excited, ran after him and reaching him undertook to make the arrest.

The man wheeled about and fired at him, the bullet striking a knot in one of the boards in the walk, glanced, and caught May in the arm as he hurriedly approached. Upon being struck, May began firing thus saving the life of the Deputy, the shooting and capture ending as related. When the man recovered, he was taken to Cheyenne for trial where he was found not guilty as one of the hold-ups, May swearing to his identity but the Deputy failing to do so on the witness stand, contrary to his verbal statements and his attempt to make the arrest.

During the excitement of the shooting, the other man hurried to a vacant stable near the south end of Sherman Street where their horses, with the saddles on were tied, and mounting one hurried away and escaped. This was the last shooting scrape I witnessed at close quarters in that country where every move of each party engaged could be coolly observed. If the man who owned the horse which was killed ever received any pay for him I never heard of it and certainly the man who mounted him was never tried for taking him.

CHAPTER XXXV

HAPPENINGS ON THE STAGE LINE. "BIG NOSE GEORGE." THE STONEVILLE FIGHTS AND A BEAR STORY

WHEN the Black Hills stage line was first established it was over the road from Cheyenne by way of Custer City to Deadwood. It was then changed to a new road by way of Jenny's stockade, now the Spencer Ranch, and finally from Deadwood by way of Rapid City to Sidney, Nebraska. Two of the factors in moving the line, keeping the stage road houses and tending the stock at stage stations were Lewis Geis, a former Buffalo hunter from Nebraska, and his wife now residing in Saratoga, Wyoming. They tell many stories relating to things occurring on the lines so established.

Many of the Road Agents were known to them by sight as the latter did not hesitate to travel by stations and stop for meals when necessary. Some of the outlaws becoming suspicious of Geis when he was a stock tender at "Ten Mile" on Whitewood Creek, sneaked around the house and stable one night and when Geis went out he was fired upon. Getting his gun quickly, he turned loose in the direction from which the shot came, probably without any damage as no dead or wounded was found next morning. On another occasion after the line had been changed by way of Rapid City, Mrs. Geis was in a stage run-away in the night. The coach had stopped. All at once the horses commenced running making great time down hill but very slow up hill as the coach was heavily loaded. It seemed that no passenger grasped the fact that the driver was

not on the boot which should have been evident as the rubbing of the brake blocks on the wheels was not heard.

Finally after they had gone up and down several hills with the horses luckily keeping the road and with several narrow escapes from going off into washouts, one of the men passengers opened the curtain, looked out and saw the driver was gone. As they were then going slowly up hill the horses were stopped to the great relief and safety of the passengers. The driver claimed that he got off to hook up a loose trace and was kicked, rendering him senseless. Then the horses ran away. The chances were that he had been communing with a bottle of "red eye" too often. This little story is inserted here for the purpose of giving the reader some idea of the many dangers encountered by the pioneer women as well as the men in everything that was necessary in the settlement of a new country.

Having often been a passenger over these stage coach lines, I heard many stories, some pathetic and others of a comical character with now and then one of tragedy. Among them, two are remembered as they apply to prominent men of Cheyenne at the present time. As related, it appeared that Luke Vorhees as Superintendent of the stage coach line, strongly berated one of the guards for losing his gun out of the coach one night. Two or three nights afterward, Luke lost a woman passenger out of the coach. He did not discover this until the next station was reached when he went back after her, meeting a wagon boss bringing her on horseback.

Tom Cooper a familiar figure as passenger watchman at Cheyenne, was one of the stage drivers and his run was very heavy and wearing on the horses during the spring of the year, owing to the Gumbo mud, especially when the coaches were loaded to the extent of their capacity. It was related that after a very trying run

which threw Tom away behind time and which completely tired the horses and himself, he telegraphed Vorhees about as follows: "You must place good fresh horses on this run or I quit, as it is impossible to keep Heck Reel's Bull train from running into the rear of the coach and I do not care to drive when a lantern has to be hung on the back of the coach at night to prevent collisions with all kinds of vehicles." This may be denied now, but it was stated as a fact at the time, and I never doubted it after passing over that road a few times during the muddy season.

Among the leaders or members of one of the gangs of Road Agents in the Hill was George Parrotte, better known as "Big Nose George" and many stage coach hold-ups were charged to him. His raids probably occurred before he drifted over into the northern part of what was then Carbon County, Wyoming, where he appeared during the early part of 1878. He was soon arrested for horse stealing, tried before a Justice of the Peace and through proving an alibi was acquitted, although he was known to be crooked. He drifted down to the Union Pacific Railroad in company with Dutch Charley and others where they were detected in the act of drawing spikes from a rail near Medicine Bow with intent to ditch and rob a train. They fled, taking refuge on the west side of Elk Mountain near the head of Rattlesnake Creek where they were discovered by Robert Widdowfield, Deputy Sheriff of Carbon County and special agent W. H. Vincents. These brave officers were promptly shot and killed by the desperadoes.

This killing occurred August 19, 1878. "Big Nose George" was later arrested at Miles City, Montana, and the sheriff of Carbon County brought him to Rawlins where he confessed to the Elk Mountain murders and many other depredations. His confession was made on the 11th day of September, 1880. He was arraigned

before Judge Peck when he again plead guilty and was sentenced to be hanged on the 2nd day of April, 1881. Speedier justice was his fate however, as he was taken from the jail by a mob and hanged March 20th, 1881, thirteen days prior to the day set for the hanging. This action of the mob was caused by his assault on the jailor in an attempt to escape. An inquest was held, the verdict being that he came to violent death at the hands of persons unknown at one end of a rope—with him at the other end.

It was said that his body was turned over to some of the medical fraternity for dissection and any person wishing could procure a piece of his hide. Another of the party engaged in the Elk Mountain tragedy, Dutch Charley, was arrested in Green River shortly after the murder by Sheriff N. K. Boswell of Albany County, and was turned over to Sheriff Rankin of Carbon County to bring to Rawlins. But he was taken off the train at Carbon by Widdowfield's friends and hanged. His body was cut down, thrown into an empty coal car and shipped to Rawlins. No stone or mound marks the last resting place of those two desperadoes.

During the construction of the Northern Pacific Railroad, Miles City, Montana, became famous as a wide open town for gambling and dance houses and was pretty well advertised as a place of bad repute. A goodly number of the people of the Black Hills country moved to that place. Lew Stone, one of the pioneer citizens of the town of Spearfish conceived the idea that a road house on the road from Deadwood to Miles City at the crossing of the little Missouri River would be a paying proposition, and he located at that point. Others also congregated there and another house of the same kind, a saloon and a few other smaller houses were erected and the place was named Stoneville.

Geis located there as a hunter, and from him I obtained the following story in which names although known will not be inserted here. Soon after the place was located, a cattle driver from Texas to Montana came that way and camped nearby. It was reported that two bad men who had to leave the lone Star State because of too free use of their pistols were with the driver and would clean up the town. After supper, when gambling was in full blast in the saloon, they appeared, and after calling everybody to drink with them, wanted to join in the game, which request was freely granted. Late in the night a fusillade of pistol shots were heard and upon investigation next morning, one of the Texas men was found dead against the front door. The game was still going with an intermission now and then for all hands to take a drink at the bar. At such times the dead man would be invited to wake up and take another drink with them. The other "bad" man reached camp one night later badly wounded and he soon died. This was just another case of finding men who could shoot a little quicker than the "bad" men could, their reputation as shooters, being as in all other similar cases, against them.

It was a common practice for local cowboys and some others who congregated at the saloon at night to go outside at times and do some promiscuous shooting in the air. Two of them returning to the saloon one night and one not being able to resist the temptation to use his pistol, shot and killed a fine calf belonging to Stone. The other protested telling him it meant possible local trouble when he said he was really surprised as he thought it was a man and sorry he had killed a calf. The next morning they made the others in the saloon believe that through the general promiscuous shooting of the night before, the calf had been killed and must

be paid for. Twenty dollars was quickly raised and paid over for it, which closed that incident, calves only being valued at ten dollars at that time.

Gangs of men were at that time stealing ponies in large numbers from the Indians on the reservation in Dakota and the United States marshal and his deputies were very active in following and arresting suspected men. One of the latter had been trailed to Miles City and arrested there. An officer went after him, but his advent came to the knowledge of the leader of the gang, and he with several members started with pack animals to rescue him and thus be prepared to get out of the country safely with the whole party, as it was getting too warm for them.

The United States officials getting information of the proposed rescue sent a small number of deputies to prevent it. Both parties arrived at Stoneville about the same time, the deputies stopping at Stone's and the rescuers at another house. The next morning the latter packed up and started to leave when the deputies opened fire on them and their pack animals, killing the latter, shooting one of the men seriously through the arm, and cutting a furrow across the top of the head of another.

One of the saloon men and a cook having nothing to do with the fight, rushed to the door to see what was going on, and the cook was killed, the other being so seriously wounded in the groin that he died several months afterwards. Which party shot them could not be determined. Three of the deputies started down to the brush when one of them was shot, the other two turning and running back to Stone's where they climbed on the roof of the house and resumed their shooting, one of them being grazed on the shoulder. A saloon man and Geis bearing a white flag, went after and brought in the wounded deputy who died in a few

minutes. The man shot in the arm was afterwards found and brought in, the others disappearing in the brush and timber and the real fight was over.

The man who was wounded in the head wandered down the river a few miles to a homesteader's house and sent the latter to a friend for a horse. The deputies getting wind of this, went with the homesteader that night and when the man left the house as he supposed, to get the horse, he was riddled with bullets, left in the snow for two or three days, thus freezing black, and then taken in to Stoneville rolled in a horse blanket or two and buried in a shallow grave in the sage brush. Geis was then employed to take the man wounded in the arm to Spearfish sixty miles away for medical attention where he placed him in the hospital from which he was taken out by a few men who hanged him although he was virtually dying at the time. The officer came through from Miles City safely with his prisoner and a few rescuers who were left and it was supposed left for Canada as they were never heard of in that country again.

As soon as the Indian question had been settled so that it was safe for men to undertake settlement of the country in the neighborhood of Inyan Kara Peak and Sundance Hill, they, in considerable numbers from the Spearfish and Deadwood country, led the way into those sections and laid the foundation for the town of Sundance and settlements in that section of Wyoming. This had been a favorite stamping and camping ground of the Sioux Indians, as was evidenced by the piles of old Tepee poles which had served their day of usefulness and had been left scattered over the country. It was inferred, if not known, that Sundance Hill obtained its name from the annual Sundance orgies of the tribe, being held there.

Among the number of my acquaintances and friends

who were pioneers in the settlement of that country was my friend Arrington, who on one of my visits to Sundance related a wonderful bear story in which it appeared that he and another man while hunting not far from town, saw a bear run into a small heavy thicket of brush surrounded by prairie. Both fired and the bear was killed as they believed, when they saw the brush shaking over near the other side and rushing around to that point both fired again, when to all appearances another bear had been killed.

It soon appeared to them that the thicket was full of bear and they kept running from one side to the other where the brush would shake until they counted having killed seventeen and returned to town for wagons to haul them in. Upon their arrival at the thicket with several of their friends, a careful and cautious search was made when only one little measly bear could be found. They were then and there hailed and proclaimed as the Champion bear hunters of the West, and that killing became a standing joke.

CHAPTER XXXVI

RETURN TO DEADWOOD AND OTHER EVENTS OF A STRENUOUS CHARACTER

UPON my return to Deadwood I accepted the position of Deputy Recorder or Register of Deeds. During the following year, I disposed of my remaining holdings in the Hills and after four years of a strenuous life in helping to open up and develop that country and in assisting to plant the seed for my third State on the great American Desert, I returned to my home in Cheyenne in the spring of 1880. After my return from the Legislature in Yankton, and after the great fire which destroyed nearly all of Deadwood and a good part of South Deadwood, I aided materially in organizing the Deadwood Hose Company, the first company of that character in the Hills. It has remained an active and splendid organization and is now nicely housed in fine quarters being a great contrast to our early establishment of fire protection.

In 1877, agents of George Hearst and other mining men of California came to Deadwood and purchased the Homestake mine or prospect hole and about the same time an agent of Archy Borland and other California mining men also arrived and purchased the De Smet mine or prospect, thereby changing the languishing business conditions which had followed the working out of the placer claims and assuring the stability of the country as a great mining, agricultural and stock raising section, which it has maintained without a break. It is not my purpose to relate details of the great controversy between the Homestake and De Smet companies in and

out of court, the record being a very unsavory one by which, through an election over a water right and the bribing of a jury, I lost a fortune. I am philosophical enough to think myself fortunate in saving anything out of the wreck.

At that time South Deadwood had as citizens three or four practical jokers who came near killing more than one man. As an example, they found that a big shoemaker had a grudge against a tall raw-boned man from Arkansas and they worked him up to believe that the latter would show the white feather if he ran a bluff on him. They then worked Arkansas into the belief that the shoemaker was thirsting for his blood, and the former, being a man of action, which they had not counted on, at once started for the shoeshop and entering whipped out a long butcher knife and advanced on the shoemaker. The shoemaker did not like the looks of the man and especially his knife, and he jumped up and ran away thus avoiding a tragedy over nothing.

For several years before the Black Hills discovery, a colored man, who strange to say (at that day and time) was a Democrat, lived in Cheyenne and imagined himself a great tragedian. We called him General Fields. He followed Colonel Steele, myself and other Cheyenne men to Deadwood. A vacancy occurring in the office of Justice of the Peace in South Deadwood precinct the same jokers persuaded him to announce himself as a candidate. A speaker's platform for a grand rally was erected in front of a saloon, a great bonfire was built in the street, around which two or three hundred men and boys gathered armed with the proper implements necessary for a warm reception. A white man whom they desired should share with the General in the full benefit of the occasion was unanimously and with cheers chosen as chairman. He assumed great dignity befitting the position and occasion

and introduced the colored General to address the meeting on the issues of the pending campaign.

The General branched out in his tragic way, and after a few words was greeted with loud cheers from the audience. Finally they pretended by jeers to take exception to some of his remarks and then the eggs began to fly. In a moment the chairman and the General were sights to behold. The latter ran away and one egg striking the chairman between the eyes he fell off the platform and wanted to fight saying he could whip the man who threw that particular piece of fruit. This ended that side of the campaign.

A Scotchman named Norman McQuag killed two prominent ranchmen named J. B. and James Jackson, father and son near Cheyenne in March, 1876, and escaped. A heavy reward was offered for him but he never has been captured. A man in Deadwood came to me saying he had the murderer located nearby and if I would go with him the credit of the capture should be mine and we would divide the reward equally. Believing the murderer if then living was in the wilds of Canada or Australia I refused to have anything to do with it. He arrested and jailed his man who had no trouble in establishing his identity as another man.

One of the murdered men had a son living in Spearfish who knew every man in that section. Notwithstanding this, another fellow who thought he was a great detective, on the same day arrested and brought in another man from near Spearfish as the murderer. This man sent for me and I found him and the would-be detective in a saloon, the latter with a few choice spirits celebrating the capture of his prisoner, whom he suddenly released when I shook hands with him and called him by name. We walked out together. He did not even look like the man wanted. The drinking continued until the detective in flourishing his pistol around acci-

dentally shot another carouser, not seriously, however, and thus ended the great man hunt.

In all my long and varied experience among the very queerest elements of humanity only one attempt at a hold-up came my way. It happened that several hundred dollars was paid to me in my office in Cheyenne after night. I had been compelled to work unusually late. On reaching the street not a person was in sight and only two places had lights burning. While crossing a street two men stepped out from a set-back doorway on the corner, one saying, "Here he comes." Seeing a big bluff was my only chance of safety, with a quick motion I shoved both coat tails at them with a sharp order to get out of my way before they caught a bullet.

While they ran one way I did some tall walking in the other direction. As I turned the corner, they were joined by another man, and came running after me, but too late, as my house was on the next corner where the Opera House now stands. This was on Capitol and Seventeenth Street and I certainly made about the fastest time of my life. For a long time afterwards a pair of Derringers were in my pockets when out at night.

During those days, a couple of muleskinners instituted proceedings before me in attachment against a man named Shanks to recover what they claimed was due them for wages. On the return day of the writs Shanks appeared and upon entering the court room immediately wanted to know what I was doing there. This brought him and his appearance when shot off his horse while heading a charge during the great Price raid in 1864 fresh to my memory, he at the time being Senior Colonel and in command of Shelby's Brigade. I assured him that he was standing in the Sanctum Sanctorum of my court, where I usually and to the best of my ability endeavored to dispense justice in all cases

and I hoped he would practically find this to be the case. In a short time I think he did.

He soon drifted with his train to the Laramie Plains and engaged in hauling ties to the railroad grade, making his personal headquarters in Laramie, where in a short time he engaged in a pistol duel with Bob Reed, a young Missourian from the same section he hailed from. Reed was killed and not long afterwards the Colonel died and was buried in the cemetery at that place. It is doubtful if a stone or anything marks the last resting place of this, one of the most gallant and courageous soldiers that ever mounted a horse.

CHAPTER XXXVII

DROUGHT AND EXTREME COLD CRIPPLES SHEEP BUSINESS.

EARLY DIGNITARIES OF WYOMING ARE NOW FAMOUS
U. S. STATESMEN

FOR nine years all my hard earnings over and above family expenses had been invested in the sheep business. Early in the spring of 1880 it became evident that a wide extended drought would greatly damage the stock industry and my wife appealed to me to return home permanently and personally look after our stock interests. This I did. Finding it impossible to move, sell or ship sheep, I personally weathered the storms of the following winter out in the open by day and night, thereby saving about fifteen hundred wethers, losing all the ewes and lambs. Laramie County stockmen lost about everything they had, only two being able to continue in the business.

Thus one of Nature's freaks in a very short time swallowed up all my hard earnings, leaving me in debt and effacing my pioneer efforts to build up a great industry which should have been of great advantage in advertising the Territory and of great financial benefit to its people. Not long after this the Territorial Council or Senate appointed me Chief Clerk of that body, in which position I served through the session. I was appointed and served as Engrossing and Enrolling Clerk of the last session of the Territorial Council, and was City Clerk and Assessor of Cheyenne for three years shortly before the admission of Wyoming as a State.

I served with Charles A. Riner as Mayor, Judge

Willis Vandaventer, now a Judge of the Supreme Court of the United States, as City Attorney, W. R. Schnitger, late Secretary of State, as City Marshal, Don Miller as City Engineer and Isaac Bergman as City Treasurer. Under this administration the filter beds were placed in Crow Creek and the conduit therefrom to secure an additional supply of pure water for the city use were constructed. Other valuable public improvements were made.

A short time before this, James A. Bean was Police Justice, having his office in the City Hall. He could not refrain from posing as a humorist where opportunity offered. One night the police placed two drunken men in the same cell. One was found dead next morning, and the other was found in a stupefied condition. Next morning when taken into police court the latter was badly frightened over his companion's death at such close quarters. The Judge knowing him well, noticing his condition and seeing an opportunity to cure him of the drink habit, at least for a time, arranged with the police to prefer a fake charge against him for murdering his cellmate. The complaint was read with due solemnity befitting the court. In the absence of an attorney a plea of not guilty was entered by the Judge. Policemen testified to the material facts as related.

The prisoner was ordered to stand and receive sentence. It was a pretty shaky stand, but being assisted he managed it with fear and trembling. The court, after summing up the evidence and dwelling upon the enormity of the crime as charged, closed by saying, "You stand convicted and it is the sentence of this court that you be taken hence and confined in the jail of this county for the space of six months and then be taken to the place of execution and there hanged by the neck until you are dead, dead, dead, and may God have mercy on your soul." With this the prisoner collapsed into

a chair, pleading innocence and crying for mercy. The court, seemingly softened by this, modified the sentence by placing him on parole for six months, the original sentence to stand, if during that time he were found drunk again. He did not break the parole.

A short time before Bean became Police Justice he owned and drove a fine water wagon. One evening about quitting time he dropped down into the wagon barrel for some purpose and the horses ran straight for home. Being rather short of stature he barely managed to get his head out of the hole in the top of the box. We who were on the street were greatly surprised to hear him yelling for help as he was swiftly carried past us. There was little or no danger of serious damage to him, no matter what happened, but we could plainly see that he was badly scared. We ran after him and found the team stranded against a telegraph pole near his house. We pulled him out virtually uninjured, but well shaken up and worse scared than hurt. For once the joke was on him and we enjoyed it at his expense.

CHAPTER XXXVIII

ENGAGE IN THE CATTLE BUSINESS, CHANGE RESIDENCE AND OTHER EVENTS

IN the spring of 1882, after having cleaned up the wreckage of the sheep business, my son, J. M. Kuykendall, and I purchased a ranch and bunch of cattle near Warm Springs, now Saratoga, Wyoming. The business was managed by my son until he removed to Denver in 1889, when it was continued by my other son, H. L. Kuykendall, until the spring of 1891, when he also removed to Denver, thereby causing a change of my residence from Cheyenne to the ranch. The ranch had been greatly added to in acreage but not in the production of crops. Experience has demonstrated that the successful cattle man of that time cared little for soil production.

As an evidence of this, when I took charge, the place did not produce one hundred tons of hay. In three or four years it produced from five to seven hundred tons, besides a good acreage of oats. For eight or nine years I continued the hard labor of running a ranch and managing my cattle interests, until my physical condition became such that I could no longer manage a day's work.

It is said that he who causes two blades of grass to grow where only one existed before is a public benefactor. In my case a dozen to one was the result in the way of improvement. During this strenuous time of work many things occurred which would make good reading, but there is not space for them here. One near

tragedy, however, is worth relating. Being for a short time the owner of another ranch and part owner of the ditch through which the water reached my place last, there was often trouble because those above used all the water and caused me serious loss. As remonstrance had no effect I rode unarmed to that ranch and along the ditch to discover the cause of shortage, and to ascertain who was responsible. I also wanted to measure the flow of water at and near each of their boxes or cuts in the ditch for the purpose of getting a court order for an equitable distribution of the water.

While riding along the ditch, the dirt flew up near me, followed by the report of a gun. Stopping and turning my horse towards the house, three or four hundred yards away, the smoke from the gun was seen floating away from behind the barn, then another bullet came whistling uncomfortably close. After a few minutes I rode slowly over to the gate as if going out, when a man with something on his shoulder started from the house for the ditch. Waiting until he was nearing the latter, I urged my horse to do some good running until I was by his side telling him what I thought of him and his foolish conduct and that if I had to come again it would be with a Winchester.

He was profuse with apologies, and as no physical damage had occurred to me or my horse, it seemed to be a ridiculous episode and I quietly turned and rode home. Killings have occurred in cases where men owning ranches near the lower end of ditches in which they were equal co-owners could get little or no water because of the hogging propensity of those nearer the head of the ditch, often when there was an abundance of water for all those interested.

In every way the man nearest the lower end of a ditch gets the worst of it and he generally possesses some saintly qualities where he does not actually fight for his

rights when robbed and injured by his partners. Therefore in buying a ranch and water right one of the first questions to be considered is the liability of a shooting scrape or law suit over the use of water for irrigation purposes through the undesirable location of the ranch along a partnership ditch.

Saratoga is situated on the North Platte River twenty-five miles south of the Union Pacific Railroad and virtually in the center of the upper Platte Valley of Wyoming. Here are located Hot Springs and cold mineral water springs possessing great curative properties, the equal of which can not be found anywhere. Hundreds afflicted with rheumatism and other diseases have been cured and an equal number greatly benefited. This is inserted here that readers, their friends and the afflicted in their vicinity may know and take advantage of the healing properties of these springs.

In the early days of the Territory when there was a stage line between Bryan on the Union Pacific Railroad near the mouth of Ham's fork of Green River and South Pass City a driver named Dougherty with Miss Smith, the daughter of a pioneer of the latter place, as his only passenger were caught on the road in one of the worst snow storm blizzards ever encountered in that section. The thermometer registered forty degrees below zero and soon the snow drifted so deep over the road that the horses could no longer draw the coach.

Dougherty, realizing that his life and that of his passenger depended upon his reaching the next station at the earliest moment, wrapped her up in all the blankets and robes in the coach and started with the horses. He afterward remembered that when losing consciousness the thought came to him to drop his arms and head over and inside the breeching of one of the wheel horses, and in that position he was dragged unconscious and badly frozen into the station. A rescue party was sent

out and found Miss Smith dead in the coach. Dougherty's life was saved through amputating one foot and part of the other and some of the fingers of each hand. He was known ever after until his death a few years ago as Peggy Dougherty.

Many years after his recovery he became a transient resident of Rawlins and Encampment alternately. The following story illustrating the nerve of this wreck of a man was related to me. Homer Booth told me about it in this way: "A horse thief passed my place near Saratoga. Missing a horse or two soon after his appearance, I took the trail and upon reaching a ranch where Dougherty worked I found the thief had picked up a horse or two there and that 'Peggy' had mounted, armed with an old empty revolver, and gone in pursuit. Near Independence Mountain I met a man who said the thief had recently passed over the next hills with a cripple not far behind him. Hurrying up I found the thief had stopped to camp and was standing, two revolvers buckled around him and his hands up.

"Peggy had him covered with the old revolver and directed me to disarm the thief or he would shoot him. We tied him good and fast and delivered him to the sheriff of a Colorado county, as he had stolen a horse of two after crossing the state line. He was indicted, tried and found guilty and before sentence said: 'Judge, I have nothing to say against any sentence you may impose, for I ought to be in the penitentiary for life to hide my shame for allowing this mutilated wreck of a man with an old unloaded revolver to arrest me.' "

There was another noted character by the name of Pinkham who lived not far from the place where the above arrest occurred. A story-teller of that time tells the following on him: "On one occasion I entered the barn where Pinkham was milking a cow, which at that particular moment kicked him over. Upon recovering

his breath he said, 'Johnny, take that cow away before I come to my senses or I will kill her.' The order was obeyed, the cow saved and Pinkham lived to milk a cow another day."

Near where these events occurred, the Cherokee trail wound its way out of the North Park and through the foot hills of the Sierra Madre range of mountains, and skirting the upper Platte Valley on the southwest side crossed the Continental Divide. It is said that this trail was made by quite a party of Cherokee Indians on their way to California during the fifties or earlier. From its location it is evident that they had little fear of the Ute or Mountain Indians but desired if possible to avoid the plains or Arapahoe and Cheyenne Indians which were powerful tribes at that time. They probably also considered that the nearer they could keep to the mountains, the better, purer and more frequent would be a good water supply, timber and game and they may possibly have figured that they were making the landmark which exists to this day and which really defined the border line between the Plains and Mountain Indians who were at war whenever a war party was caught over the foothill line.

Many Indians and white men have traveled over that trail, and during the cattle roundup days it was used extensively by men engaged in that business. It is therefore well marked to this day in many places. During recent years a number of human skeletons have been discovered in that range of mountains on or near South Spring Creek and above the Cherokee trail. Great quantities of beads have been found nearby indicating that sometime in the distant past a family or small party of Indians were snowed and starved to death, or were wiped out through poison, cholera or some other disease.

CHAPTER XXXIX

TO MY ASSOCIATES, THE PEOPLE GENERALLY AND
MY BOY AND GIRL FRIENDS

WHEN nearing the end of life, especially if prolonged to a good old age, it seems natural that the mind should revert to personal shortcomings of the past and humanitarian acts performed. Also, it reverts to the lessons learned through long contact with all phases of human nature and we ask ourselves whether or not we have labored alone for our own generation or for those of the future as well. Again we ask ourselves, have we been so wrapped up in worldly selfishness and pursuit of the Almighty dollar that our ears have been closed to the cry of the distressed and the wail of the orphan and our eyes closed to avenues for the betterment of humanity and the upbuilding of human character separated from the greed and avarice of the Shylocks, who like the poor, have always existed.

With this as a foundation and without any claim to perfection or saintly merit (as neither exists in human nature) I close this historical narrative with a few ideas or lessons obtained through bitter experience. Among them there was an incident with a man in Kansas. This man we aided materially with oxen and plow, breaking part of his prairie farm without any charge whatever, leaving the plow with him to use for two or three years. At the end of that time he wanted to know if he had not become the owner through peaceable possession for that length of time. That man had early imbibed the advice of a father to his son to "Get money. If you

can not get it one way get it another. But get money," which has placed many boys, young and old behind jail and penitentiary walls or in their graves through violent deaths.

Closely connected with this Autobiography are the men who always want to know where they come in on any proposition in which money cuts a figure, also how much money a man will put up to induce them to do their duty morally and socially, while they at the same time profess unbounded friendship for the man they are attempting to fleece financially. Often after being fleeced, these men are sold out as in the case of Judas, with this difference that the Judas has no qualms of conscience over his treachery. Such and others of equal slippery tendencies do not hesitate a moment to promise one thing and do the opposite.

Probably the most of us have had more or less experience with people who have or pretend to have a personal grievance against some particular person, and for which there is often no just foundation. Such people are like another class few in number, who are profuse in their expression of friendship and flattery when sober but woe to their victim who happens along when they are drunk as they then exemplify the old saying "That what a man thinks when sober will be unpleasantly expressed when he is drunk." These two classes are among the most dangerous of all, outside of regular criminals, and the sooner one shuns and ignores them the better for his peace of mind.

Now and then experience brings to the surface another small class of people who pride themselves upon being plain spoken on all occasions, making everybody in hearing feel uncomfortable no matter what the environment may be. The singular thing about such plain speakers is that immediately after they have given the uncalled for "wordy" stab which can not well be resented they

will profess the warmest friendship for the victim. Such impossible creatures should be sidetracked from all social functions and public gatherings wherever it can be done until they are broken of the habit.

Then there is the professional liar and slanderer, the retailer of injurious gossip, the perpetual character wrecking tale-bearer and the general meddler with other people's affairs, and it is not necessary to dwell at any great length upon the evil effects engendered in nearly every community by these classes who should be shunned by everybody. Then of course, vicious lawbreaking element has to be guarded against and dealt with as it is a perpetual menace to society, the State and the National Government.

In opposition to all such people there is, in every community, in my opinion, a good large majority of people who are opposed to the work of all the classes mentioned, who are charitable not alone in a financial way but also in a moral way by aiding if possible in the reformation of the unfortunates who have drunk at the fountain of vice and immorality. By refraining from casting stones of condemnation and judgment in their direction they endeavor to cast the broad mantle of Charity about the ordinary shortcomings of poor frail humanity.

A big proportion of our people are law abiding and strive to bring their children up to recognize that the only true road to permanent happiness consists in obedience to the laws of nature and man, and of the Supreme Ruler of the Universe. Especially to the rising generation of boys and girls, I want to say that the only true road to real permanent happiness and peace of mind is to resolutely and with a fixed determination avoid bad habits and vice of all kinds, be true to self, be just and charitable, do right because it is right and fear not, and avoid bad companions. I want to urge

them to take no stock in the slippery phrase used by demagogues who know better, that "everything is fair in Love, War and Politics." For such is not and never was the fact since the dawn of real civilization and he who in this day and time attempts to teach that there is any truth whatever in such phrase needs watching.

Like the great majority who have appeared and disappeared from the scenes of life, I am calmly and quietly waiting for the great change which comes to all and which ushers all into the mysteries of the other life or existence beyond the grave to which we look for a happy meeting of our friends and dear ones who have gone before. As these will probably be my last words of admonition to most of those who read this book and especially to my dear boy and girl friends whose paths through life are or will be beset with good and evil I beseech you to avoid the latter as you would the Viper and Rattlesnake and cling to the former as the only priceless Jewel worth striving for in this life.

In writing the foregoing sketch of my life, many minor details have been left out, also many reminiscences of a sad as well as ludicrous character and thrilling and dangerous experiences. My family is of good and honest old stock and the same can be truthfully said of my wife's family on both sides of the family tree. I have endeavored to keep unsullied the name and honor of both and outside of the exigencies of war, have never without the greatest provocation injured a human being intentionally, if at all. To my sons and their posterity, to whom this is dedicated, I leave the future honorable perpetuation of the name with the hope and urgent request that it be kept untarnished through all succeeding generations.

WILLIAM L. KUYKENDALL.

APPENDIX

To show in part the great esteem and affection in which Judge W. L. Kuykendall was held, it may be here mentioned that the following lodges, associations and societies sent letters, telegrams and resolutions upon hearing of the passing away of the "Grand Old Man."

RESOLUTIONS

Cheyenne Lodge No. 1, A. F. & A. M.

Saratoga Lodge No. 43, I. O. O. F.

Enterprise Encampment of Casper, Wyoming.

Hall of Big Horn Lodge No. 36, I. O. O. F.

Hall of Golden Rebekah Lodge No. 7.

Eliza Rebekah Lodge No. 26, I. O. O. F. (Named in honor of Mrs. Kuykendall.)

South Deadwood Hose Co. No. 2 (where an enlarged photograph of Judge Kuykendall has been recently placed).

LETTERS AND TELEGRAMS

Denver Omnibus and Cab Co. (84 names signed).

Representatives of Grand Lodge Riverton, Wyoming; Fellowship at Baltimore, Md.; Society of Blackhills Pioneers, Sovereign Grand Lodge at San Antonio, Texas; Sovereign Grand Lodge, Honolulu, Hawaii; Sovereign Lodge of Worcester-shire, Mass.

Louis A. Von Tilborg, Grand Master of the Grand Lodge of Colorado I. O. O. F. wrote immediately upon hearing of the death of the Judge to the subordinate lodges of the State informing them that their past Grand Sire, after a long and useful career had died. He wrote "A splendid man, a loyal friend, and a great Odd Fellow rests from his labors." These lodges attended the funeral in a body. The Odd Fellows Fraternal Press published a beautiful tribute to their "brother."

G. B. Kuykendall a prominent physician and surgeon of Pomeroy, Washington, gives in a letter this interesting information in regard to the Kuykendall family.

"The family came from Nageningen Gullderland province, Holland, but there was an older home which bore the old Archaic Dutch name of Kijkin, t-dal meaning a view into the dale or valley. The family is easily traced from New Amsterdam, to which place an ancestor came from Holland to Fort Orange or Albany, thence down to Port Jervis, N. Y., and down on the Delaware to Ancient Minisink. It was down the wonderful Old Mine Road that our ancestors tracked their way to near the Delaware Water Gap, and the Ancient Copper mine there. Down in this region some of the KuyKendalls lived for 200 years, and some of them are found there yet. Down on the Delaware in what was called the 'Minisink' region were found the old homes of Jacob and Mathews KuyKendall who were brothers and sons of the first born American KuyKendall. Mathews undoubtedly was the ancestor of W. L. KuyKendall.

"There on the Delaware are ancient stone buildings in quite good condition yet and inhabited.

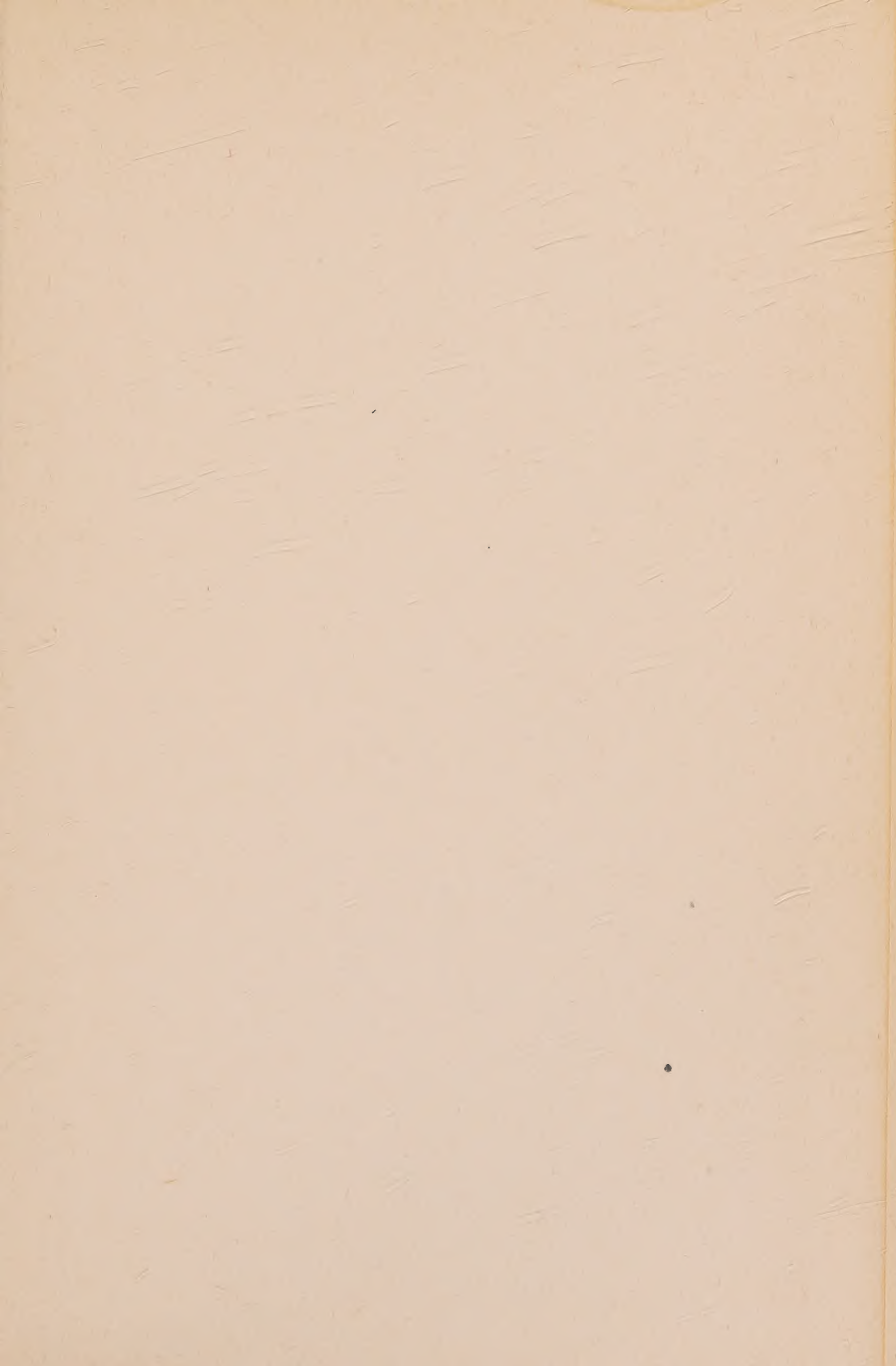
"I also found there an ancient cemetery, the first dedicated to public use in Sussex County, N. J.

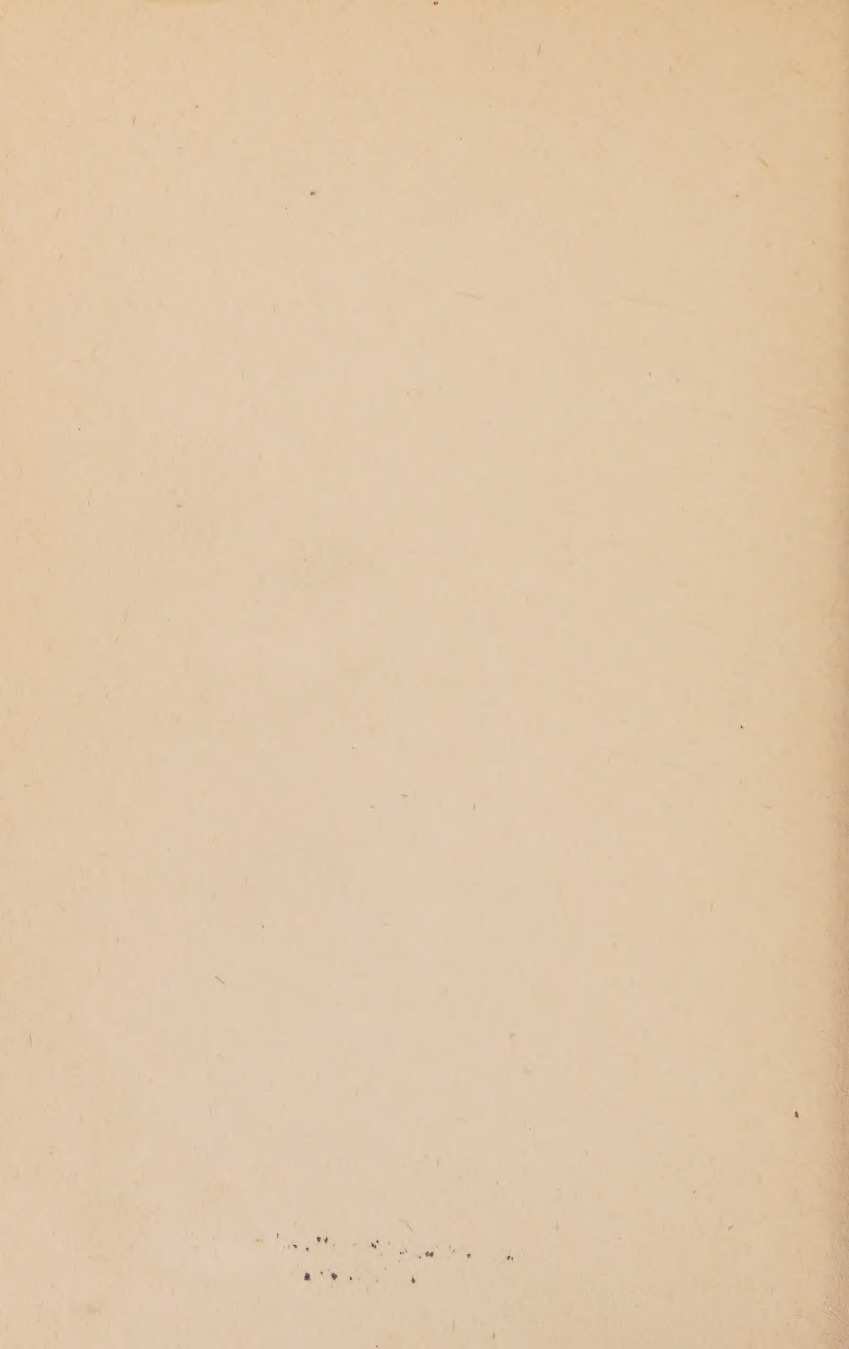
"I then traced the KuyKendalls to Virginia, found the very land they located on and purchased from Lord Fairfax prior to 1749, found the identical deed to one of the places, the deed still in good preservation bearing the seal of Great Britian.

"I found the place of our great great grandfather with ruins of old mill masonry and mill race, and an ancient log house.

"There were many of the KuyKendalls in the Revolutionary War.

"In New York in early times, and later, the KuyKendalls lived very near places made famous by Washington Irving's Legends, and along the old mine road are strewn many old forts used during the Revolutionary War and in the previous French and Indian war, and war with savages. All along that ancient highway are noted battlefields and historic spots so that our people had something to stir their souls and fire their patriotism."





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